FEDERAL REGISTER

VOLUME 17 NUMBER 1

Washington, Tuesday, January 1, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10316

INSPECTION OF INCOME, EXCESS-PROFITS, DECLARED VALUE EXCESS-PROFITS, CAPITAL STOCK, ESTATE, AND GIFT TAX RETURNS BY THE SENATE COMMITTEE ON ARMED SERVICES

By virtue of the authority vested in me by sections 55 (a), 508, 603, 729 (a), and 1204 of the Internal Revenue Code (53 Stat. 29, 111, 171; 54 Stat. 989, 1008; 55 Stat. 722; 26 U. S. C. 55 (a), 508, 603, 729 (a), and 1204), it is hereby ordered that any income, excess-profits, declared value excess-profits, capital stock, estate, or gift tax return for any period to and including 1950 shall be open to inspection by the Senate Committee on Armed Services or any duly authorized subcommittee thereof for the purpose of exercising a continuous watchfulness through a continuous study of all policies, programs, activities, operations, facilities, requirements, and practices of the Department of Defense, the Armed Services, and other agencies exercising functions relating to them, and the administration thereof, subject to the conditions stated in the Treasury decision[1] relating to the inspection of such returns by that committee, approved by me this date.

This Executive order shall be effective upon its filing for publication in the FEDERAL REGISTER.

HARRY S. TRUMAN

THE WHITE HOUSE,
December 29, 1951.

[F. R. Doc. 51-15464; Filed, Dec. 29, 1951; 11:36 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter D—Water Facilities Loans

PART 356—PROCESSING LOANS TO ASSOCIATIONS

Part 356, Title 6, Code of Federal Regulations (13 F. R. 9432) is revised to read as follows:

[1] See Title 26, Chapter I, Part 458, *infra*.

NOTICE

The Federal Register Division will be open for the filing and public inspection of documents pursuant to section 2 of the Federal Register Act (49 Stat. 500; 44 U. S. C. 302) between the hours of 8:45 a. m. and 5:15 p. m. on Saturday, December 29, 1951, and Saturday, January 5, 1952. Issues of the FEDERAL REGISTER *will be published during the holiday period as follows:*

December 27 through December 29, 1951; January 1, January 3 through January 5, 1952.

Sec.
356.1 General.
356.2 Preliminary request, investigation and report.
356.3 Preparation of loan application and loan agreement.
356.4 Assembly and review of loan docket.
356.5 Action after loan approval.
356.6 Closing the loan.
356.7 Insurance.

AUTHORITY: §§ 356.1 to 356.7 issued under sec. 6 (3), 50 Stat. 870; 16 U. S. C. 590w (3). Interpret or apply sec. 2 (3), 50 Stat. 869; 16 U. S. C. 590s (3). Other statutory provisions interpreted or applied are cited to text in parentheses.

DERIVATION: §§ 356.1 to 356.7 contained in FHA Instruction 442.6.

§ 356.1 *General.* Sections 356.2 to 356.7 set forth the requirements and procedures for the making of Water Facilities loans to incorporated water users associations, mutual water companies, irrigation districts, and Soil Conservation Districts (referred to as associations).

§ 356.2 *Preliminary request, investigation and report*—(a) *Letter of request.* Each group applying for an association loan will make a preliminary request for assistance in the form of a letter to the County Supervisor. The letter should state the kind of assistance needed, give a description of the proposed facility,

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

contain information about the source of water supply and the water rights owned or to be established, and give some indication of the amount of loan funds needed. If the group is already incorporated, the letter will be signed by the President. If the group is not yet incorporated, the members of the organizing committee will sign the letter.

(b) *Investigation of request.* The State Director will arrange for the Water Facilities Specialist and Engineer or other appropriate state staff members to assist the County Supervisor to conduct an investigation based upon the association's request for assistance.

(1) *Obtaining assistance for surveys and planning operations.* When the employees conducting the investigation will need other persons included in a survey party, they will request the association to furnish such persons to help make the investigation and planning surveys.

(i) If such help cannot be obtained without cost, the association must arrange to raise the cash necessary to pay such costs not later than the date the persons' services are no longer needed in the survey party. In no event may the Government become obligated to pay such costs.

(ii) If the members or prospective members of the association will help in the investigation and planning surveys without cost, the employee conducting the investigation will require each individual who performs any such work to execute an agreement to serve gratuitously.

(2) *Eligibility certifications.* After the County Supervisor has determined that the proposed facility appears to be feasible and that the association appears to be eligible, he will request the County Committee to make its certification as to the eligibility of the association to receive assistance.

(i) *Form of certification.* If the County Committee determines that the association is eligible for assistance, a certification of eligibility will be executed.

(ii) *Rejection by County Committee.* If the County Committee determines that the association is not eligible to receive assistance, the County Supervisor will notify the applicant of its rejection by a letter which sets out the reasons for such rejection.

(c) *Report of project investigation.* A written report covering the investigation, proposed project plans and estimates of project cost will be made to the State Director.

(d) *Action on report of project investigation*—(1) *Approval or rejection by State Office.* Upon receipt of the report, the State Director and appropriate members of his staff will review the report and decide upon the preliminary conditions under which the application will be given further consideration. When the review of the report discloses to him that the objectives and general policies of the Water Facilities program will or can be met through the proposed loan, the State Director will issue to the County Supervisor a memorandum of tentative loan commitment. It will include the following statement: "This commitment shall not be construed to obligate the United States to advance the amount of funds specified herein or to advance any other amount. Final loan approval will be given only after

the preparation of a loan docket which substantiates and supplements information heretofore furnished." The memorandum will also cover the following, as well as any other necessary, topics: Eligibility, amount of loan, repayment schedule, amount and form of contributions to be made by the association or its members, security requirements, evidence of title, organization or changes in organization, improvement of business and operation methods, if needed, insurance and fidelity bonds, and requirements concerning water facilities plans and specifications.

(2) *Approval or rejection by National Office.* If the amount of the proposed loan exceeds the approval authority delegated to the State Director, a copy of the report will be submitted to the National Office. If he determines from a review of the report that the objectives and policies of the Water Facilities program can be met through the proposed loan, the Administrator will authorize the State Director to issue a tentative loan commitment and to approve the loan when the loan docket has been prepared and the conditions specified have been met.

(Secs. 4 (3), 5, 50 Stat. 870; 16 U. S. C. 590u (3), 590v)

§ 356.3 *Preparation of loan application and loan agreement*—(a) *Form FHA–28, "Loan Application by Water Association."* After receiving the memorandum of tentative loan commitment, the Water Facilities Specialist or the County Supervisor, or both, will assist the officers of the association with the preparation of Form FHA–28 and accompanying exhibits.

(1) *Preparation of exhibits to accompany loan application.* The exhibits shall include the resolution of the stockholders or members, certified by the secretary, authorizing the board of directors to obtain the loan; the resolution of the board of directors, certified by the secretary authorizing the president to execute the required loan papers; a certified copy of the articles of incorporation and any amendments, with a statement from the Secretary of State or similar official that the corporation is in good standing with the State; copies of the bylaws, certified by the secretary; in cases where after the preliminary request for assistance the corporation was first organized or made changes in its organization or in its bylaws, certified copies of the minutes of all meetings in which the organization was completed or changes made; a certified copy or facsimile of the stock or membership certificate; proposed operating budget; a list of the corporation's officers, certified by the secretary; a list of the stockholders or members and patrons, certified by the secretary; a report on the corporation's title to its assets, owned or to be acquired, including water rights.

(b) *Form FHA–134, "Loan Agreement for Associations."* Form FHA–134 will be executed. Additional requirements may have to be included in the loan agreement as a result of the legal review and final approval conditions of the loan made by the State Director. In such case it may be necessary to execute an amended loan agreement.

§ 356.4 *Assembly and review of loan docket.* The loan docket will be assembled and submitted to the State Director. The State Director will review the docket for compliance with the conditions set out in his memorandum of tentative loan commitment. When the State Director finds that such conditions are met, and the proposed loan otherwise complies with program policies and procedure, the loan docket will be forwarded to the Representative of the Office of the Solicitor for examination and the issuance of a legal opinion. When the legal opinion is received from the Representative of the Office of the Solicitor, the State Director will issue a final approval memorandum to the County Supervisor containing final conditions and instructions if necessary for carrying out such curative work as may be specified in the legal opinion. In some instances the loan agreement in the docket may need modification to include particular requirements specified in the legal opinion. In these instances a new loan agreement will be executed by the association.

§ 356.5 *Action after loan approval*—(a) *County Office.* The County Supervisor will deliver a copy of the memorandum of conditional approval to the association. All conditions should be met.

(1) Water Facilities loans to associations may be disbursed in not more than two advances. The second advance must be not less than 60 days from the date of the first advance and not later than two years from June 30 of the fiscal year in which the loan was approved.

(2) Form FHA-125, "Promissory Note (Association)," will be used for all loans to incorporated water associations except in the case of a loan to an irrigation district which is not authorized to execute notes secured by mortgages. In such cases the bonds of the irrigation districts in the form prescribed by state statute and approved by the Representative of the Office of the Solicitor will be substituted for promissory notes secured by mortgages.

(3) Form FHA-127, "Authorization to Date Note," will be executed by the properly authorized officers of the association to authorize the Area Finance Manager to date Form FHA-125.

(4) Form FHA–5, "Loan Voucher," will be prepared for the total amount of each advance as indicated by the promissory note.

(5) Required instruments such as deeds, easements, permits, water filings, and corporate documents will be secured.

(6) Required title documents such as lien searches, and abstracts or preliminary title reports will be obtained.

(7) Other evidence to show proof of compliance with conditional approval requirements will be furnished.

(b) *State Office*—(1) *Obligating loan funds.* Funds for loans to associations will be obligated on the basis of approved loan agreements, Form FHA–134, "Loan Agreement for Associations," and the funds will be available for the payment of a loan for a period of two years after the close of the fiscal year in which the loan is approved. However, loan agreements must be executed by the association and the State Director on or before June 30 of the fiscal year in which the loan is approved.

(2) *Review of compliance with loan approval conditions.* The State Director will examine all loan papers, instruments, documents and other evidence submitted by the County Supervisor to ascertain whether or not all conditions of loan approval were met. He will then transmit such material to the Representative of the Office of the Solicitor for legal review. If the review discloses that major items of curative work are needed, the State Director will require evidence that such curative work has been completed before loan closing instructions are issued. Curative requirements of a minor nature may be included in the loan closing instructions.

(3) *Loan closing instructions.* When the State Director and the Representative of the Office of the Solicitor have determined that loan approval conditions have been met, and the association has stated that it is ready for the funds to be advanced, the Representative of the Office of the Solicitor will prepare loan closing instructions. Loan closing instructions will cover, but need not be limited to, the continuation of lien searches and abstracts, the execution and the recording or filing of security instruments and curative requirements of a minor nature.

(4) The State Director will forward the closing instructions to the County Supervisor.

(R. S. 3690, sec. 5, 18 Stat. 110, sec. 2, 24 Stat. 157, sec. 6, 40 Stat. 1309; 31 U. S. C. 712, 713)

§ 356.6 *Closing the loan*—(a) *County Office action.* All Water Facilities loans to associations will be closed in accordance with the closing instructions issued by the Representative of the Office of the Solicitor and such instructions must be carefully followed and complied with explicitly.

(1) *Delivery of loan check.* (i) Upon receipt of a loan check, the County Supervisor will notify the association promptly indicating where and when the check will be delivered, and that the officers authorized to sign the documents should be present.

(ii) When the security instruments have been executed, the president of the association will receipt for the check on the copy of Form FHA–5 which is returned by the Area Finance Office. A signed copy of Form FHA–134, one conformed copy each of Form FHA–127, and Form FHA–125, and a copy of the mortgages will be delivered to the association.

(2) *Obtaining fidelity bonds.* At the time the loan check is delivered, the association will make application for a fidelity bond covering the position entrusted with the receipt and disbursement of its funds. The amount of the bond will be at least equal to the amount of the assessments or charges made and

collected by the association in any normal fiscal year. The association will pay the premium for the bond. The association and the United States of America, as their interests may appear, will be named as obligees in the bond.

(b) *State Office action by loan closing review.* The County Supervisor's statement concerning loan closing and the security instruments and other documents used in closing the loan, will be reviewed in the State Office to determine whether the loan was properly closed. All material submitted will be referred to the Representative of the Office of the Solicitor for final review with a request for a written statement as to whether all legal requirements have been met. Any deficiencies noted must be corrected.

(c) *Payment of fees and costs.* Statutory fees and other charges for filing or recording mortgages or other legal instruments and notary and lien search fees incident to loan transactions will be paid by the association from its own funds or from the proceeds of the loan.

(d) *Distribution of certain recorded documents.* The originals of recorded deeds, easements, permits, certificates of water rights, leases, or other contracts and similar documents which are not required in the closing instructions to become a part of the security file, will be returned to the officers of the association.

§ 356.7 *Insurance.* The State Director will require associations to obtain public liability, and property damage insurance on all trucks, tractors, and other vehicles owned by the association and frequently driven over public highways; and fire and extended coverage insurance on all buildings and equipment housed therein. The insurance policy must contain the standard New York mortgage clause (without contribution) printed in or attached to the policy, the mortgage clause (without contribution) which has been approved and made mandatory by the laws of the state, or Form FHA-878, "Insurance Mortgage Clause." However, in those jurisdictions where, under local laws or conditions, none of the mortgage clauses referred to above may be used, the clause mandatory in that locality may be used after approval by the National Office. The "United States of America" will be shown as "Mortgagee" in the mortgage clause or in the loss payable clause if no space is provided in the mortgage clause. All notices to the mortgagee will be sent to the State Office covering the territory in which the property is located. The original insurance policy will be kept in the County Office file.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

NOVEMBER 30, 1951.

Approved: December 26, 1951.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-15398; Filed, Dec. 29, 1951; 8:46 a. m.]

Subchapter E—Account Servicing

PART 361—ROUTINE

SUBPART B—SERVICING FARM OWNERSHIP LOANS

INSURED MORTGAGE-CHARGE

Section 361.30 (d) (2) (ii), Title 6, Code of Federal Regulations (16 F. R. 6997) is amended to change the basis for determining the amount subject to the mortgage insurance charge. The revision to § 361.30 reads as follows:

§ 361.30 *Subsequent insured Farm Ownership loans.* * * *

(d) *Loan closing actions.* * * *

(2) *Collecting the mortgage insurance charges and reappraisal fee.* * * *

(ii) The initial mortgage insurance charge for the fraction of the year from the date of closing the subsequent insured loan to the next March 31, on the following amount: the difference between the amount of the new promissory note and the unpaid balance of principal on the old promissory note as of the date of closing the subsequent insured loan.

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies sec. 12 (c) (1), 60 Stat. 1076, as amended; 7 U. S. C. 1005b (c) (1))

DERIVATION: § 361.30 contained in FHA Instruction 451.6.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

DECEMBER 10, 1951.

Approved: December 26, 1951.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-15397; Filed, Dec. 29, 1951; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter VI—Soil Conservation Service, Department of Agriculture

PART 600—FUNCTION AND PROCEDURE

DISPOSAL OF RESERVED MINERAL INTERESTS

Section 600.10 is added as follows:

§ 600.10 *Authorities, policies and procedures relating to the sale of reserved mineral interests pursuant to public law 760, 81st Congress—(a) General.* (1) Public Law 760, 81st Congress, approved September 6, 1950, provides for the disposal by the Government of certain reserved mineral interests under the jurisdiction of the Soil Conservation Service. The act further provides that in areas where the Secretary of Agriculture determines that there is no active mineral development or leasing, the mineral interest covered by a single application shall be sold for a consideration of $1. and in all other areas, hereinafter referred to as "fair market value areas", sales should be made at the fair market value.

(2) The reserved mineral interests in Water Conservation and Utilization project lands administered by the Soil Conservation Service under the provisions of the item entitled "Water Conservation and Utility Projects" in the Interior Department Appropriation Act of 1940, approved May 10, 1939 (53 Stat. 685, 719), and the Wheeler-Case Act of August 11, 1939 (53 Stat. 1418, 16 U. S. C. 590y-z11), as amended, are the only interests under the jurisdiction of the Soil Conservation Service which may be disposed of under Public Law 760. All of these interests are located in fair market value areas.

(3) This section prescribes the authorities, policies and procedures for the sale of the reserved mineral interests which are under the jurisdiction of the Soil Conservation Service.

(b) *Delegation of authorities and responsibilities—(1) Delegation by the Secretary of Agriculture to the Soil Conservation Service.* By order dated October 31, 1950 (15 F. R. 7444), the Secretary of Agriculture delegated to the Soil Conservation Service, to be exercised by the Chief thereof, all authorities, powers, functions and duties vested in him by Public Law 760, 81st Congress, with respect to the disposition of mineral interests now under the jurisdiction of the Soil Conservation Service, except the power and authority to determine areas in which there is no active mineral development or leasing. The order further authorizes the Chief of the Soil Conservation Service, subject to the Secretary's approval, to issue rules and regulations necessary to carry out this disposal program and authorizes the Chief of the Soil Conservation Service in his discretion to re-delegate upon such terms and conditions as he may prescribe the powers and authorities therein conferred.

(2) *Delegation of authorities and responsibilities by the Chief of the Soil Conservation Service to the Regional Directors.* Subject to the policies and procedures contained in this section, the Regional Directors will take the following actions with respect to the sale of reserved mineral interests:

(i) Accept or reject applications and offers to purchase.

(ii) Determine the fair market value of the mineral interests.

(iii) Execute deeds and other instruments necessary in connection with sales.

(c) *Notice to surface owners.* (1) The Regional Director or those official employees designated by him will inaugurate the disposal program by sending a letter to the apparent owner of the surface notifying him of his rights under the law.

(d) *Sale of reserved mineral interests—(1) Issuance of forms and advice to applicants.* Upon request, the local official in charge of a project in which the reserved mineral interests are located will furnish each prospective applicant with an application and offer to purchase form and instruct him as to the manner in which it should be completed. The prospective applicant will also be informed as to the terms and conditions applicable to the sale.

(2) *Terms and conditions of the sale.* Each sale will be made under the following terms and conditions:

(i) *Eligible purchasers.* Sales may be made only to private persons who are

the owners of the surface at the time of the application. The term "private persons" includes private corporations, but public bodies are not eligible to purchase. Guardians, legal representatives of the estates of private persons and trustees of property or the beneficiaries of private persons are eligible to purchase upon establishing to the satisfaction of the Soil Conservation Service their authority to make the purchase as holders of the legal title of the surface. Applications and offers to purchase must be filed prior to September 5, 1957.

(ii) *Interests to be sold.* The Soil Conservation Service will not sell less than its entire mineral interests in a particular tract covered by a single application and will not convey to less than all of the surface owners of such tract of land, all of whom must be eligible to purchase. Mineral interests in more than one tract under identical ownership may be included in one application if they are in the same county.

(iii) *Terms.* All sales shall be for cash.

(iv) *Fissionable materials.* Sales made under Public Law 760 will not contain a reservation of fissionable material since Executive Order 9908 (12 F. R. 8223), dated December 5, 1947, is not applicable to such sales.

(v) *Conveyances.* The conveyance will be made by quitclaim deed. All surface owners will be named as grantees in the quitclaim deed.

(vi) *Sales price.* The reserved mineral interests will be sold for their fair market value as determined by the Regional Director. The term "fair market value" as applied to the sale of such reserved mineral interests means the cash price for which they could reasonably be expected to sell upon negotiations between a reasonably well informed owner who is willing but not obligated to sell and a reasonably well informed buyer who is able and willing but not obligated to buy.

(vii) *Assignment of leases and division of lease income.* If all or any portion of the reserved mineral interests are leased on the date of the quitclaim deed, the Soil Conservation Service shall transfer to the surface owner as of such date all of its right, title and interest as lessor in and to such lease. The Soil Conservation Service shall be entitled to all rentals that become due and payable, whether or not paid, on or before the date of the deed and the surface owner shall be entitled to all rents that become due and payable after such date.

(viii) *Attaching stamps and recording the deed.* If any documentary, internal revenue or other stamps are required by law, the stamps will be furnished, affixed and canceled by the purchaser at the time of delivery of the deed. The purchaser will be advised as to the desirability of having the deed recorded. Fees for recording the quitclaim deed will be paid by the purchaser.

(ix) *Proof of surface ownership and review of title evidence.* Public Law 760 requires that the applicant shall establish at his own expense to the satisfaction of the Government, his title to the surface. Applicants will be required to furnish evidence of their surface title in the form of an attorney's opinion, a supplemental abstract, a certificate of title, or other title evidence which the Regional Director deems necessary for use in determining the surface ownership. The title search will cover the period from the date of the conveyance of the surface by the Government to the date that the search is made which must not be prior to the date of the application. The Regional Director shall make or cause to be made such review of the title evidence as he deems necessary.

(x) *Title evidence.* The Government will not furnish the purchaser any base or supplemental abstract of title or any other title evidence.

(e) *Filing and processing application and offer to purchase.* (1) The original and two signed copies of the application and offer to purchase form must be filed with the local Soil Conservation Service official in charge of the project in which the reserved minerals are located. The local official will transmit the original application and offer to purchase, together with his recommendations, and two copies of the proof of surface ownership and appraisal data to the Regional Director for consideration.

(2) The Regional Director must take one of the following actions within six months from the date of the application and offer:

(i) Approve or reject the application and offer to purchase.

(ii) Approve the application and reject the offer.

(iii) Reject the application which automatically rejects the offer.

(3) In the event of a rejection, the Regional Director must fully inform the applicant of the causes for the rejection. If the offer is rejected, the applicant may file another offer on a form which will be available in the project office. In the event the application is rejected and the applicant can remove the causes for which it was rejected, he may file another application and offer. The applicant may withdraw his application and offer at any time prior to acceptance of the offer by written notice to the Government. The application and offer, if approved, may be terminated by mutual consent.

(4) At such time as the Regional Director approves the sale of the reserved mineral interests, he will notify the applicant of such approval and take the necessary action to have a quitclaim deed prepared. Upon execution of the deed, he will forward it to the office of the local official in charge of the project. The local official will deliver the deed to the applicant and collect the full amount of the offer at that time. If the applicant does not complete the transaction within six months after being notified that the deed is ready for delivery, the application and offer to purchase will automatically expire.

(f) *Appraisals.* (1) The Regional Director is responsible for the determination of the fair market value of reserved mineral interests. He is authorized to use such means as are at his disposal and at his discretion procure outside professional or expert advice as he deems necessary in order to determine such values. Some of the factors to be considered in making such appraisals and to be covered by the appraisal reports are geological information which may be available, leasing activity, lease bonus and rental prices, prices being paid for royalty and mineral leases in the immediate area, trading activity in royalty or minerals and leases, proximity to drilling and mining activity and results of previous drilling and mining operations in the vicinity. While the Regional Director is responsible for the final determination of the fair market value as to the sale price for the reserved mineral interests under a single application, he will submit the basic appraisal data by project areas, together with his comments and recommendations, to the Washington office for review prior to the approval of any applications and offers to purchase.

(Sec. 6, 64 Stat. 770; 7 U. S. C. Sup. 1038)

Dated: December 17, 1951.

[SEAL] D. A. WILLIAMS,
Acting Chief,
Soil Conservation Service.

Approved December 26, 1951.

CHARLES H. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-15400; Filed, Dec. 29, 1951; 8:47 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 812]

PART 812—SUGAR REQUIREMENTS AND QUOTAS: HAWAII AND PUERTO RICO

CALENDAR YEAR 1952

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948 (61 Stat. 922, 7 U. S. C. 1100) and the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001), these regulations are hereby made, prescribed, and published to be in force and effect for the calendar year 1952 or until amended or superseded by regulations hereafter made during the calendar year 1952.

Basis and purpose. The determinations and the sugar quotas set forth below have been made and established pursuant to section 203 of the Sugar Act of 1948 (hereinafter called the "act"). The act requires that the Secretary of Agriculture make such determinations and establish such quotas for the calendar year 1952 during December 1951. The determinations of the sugar requirements have been based, insofar as required by section 201 of the act, on official statistics of the Department of Agriculture and statistics published by other agencies of the Federal Government. The purpose of such determinations is to provide the amounts of sugar needed to meet the requirements of consumers in the Territory of Hawaii and in Puerto Rico for the calendar year 1952. The determinations provide the basis for the establishment of sugar quotas for such year for local consump-

tion therein pursuant to section 203 of the act.

Prior to the issuance of these regulations, notice was given (16 F. R. 10859) that the Secretary of Agriculture was preparing, among other things, to determine the sugar requirements and quotas for the calendar year 1952 for local consumption in Hawaii and in Puerto Rico and that any interested person might present any data, views, or arguments with respect thereto in writing not later than December 14, 1951. Due consideration has been given to the data, views, and arguments submitted, in accordance with the Administrative Procedure Act (60 Stat. 237).

Since the act requires that the Secretary of Agriculture determine sugar requirements and establish quotas for local consumption in Hawaii and in Puerto Rico for the calendar year 1952 during December 1951, it is not possible to comply with the 30-day effective date requirement of the Administrative Procedure Act. Accordingly, these regulations shall be effective when published in the FEDERAL REGISTER.

§ 812.5 *Sugar requirements and quotas*—(a) *Sugar requirements.* It is hereby determined, pursuant to section 203 of the act, that the amount of sugar needed to meet the requirements of consumers in the Territory of Hawaii for the calendar year 1952 is 45,000 short tons of sugar, raw value, and that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1952 is 100,000 short tons, raw value.

(b) *Local consumption quotas.* There are hereby established, pursuant to section 203 of the act, for local consumption in the Territory of Hawaii and in Puerto Rico, for the calendar year 1952 the following quotas:

Area:	*Quotas in terms of short tons raw value*
Hawaii	45,000
Puerto Rico	100,000

§ 812.6 *Restrictions on marketing.* For the calendar year 1952, all persons are hereby forbidden, pursuant to section 209 of the act, from marketing in the Territory of Hawaii or in Puerto Rico, for consumption therein, any sugar or liquid sugar after the quota for the area for the calendar year 1952 has been filled.

STATEMENT OF BASES AND CONSIDERATIONS

Section 203 of the act provides as follows:

In accordance with such provisions of section 201 as he deems applicable, the Secretary shall also determine the amount of sugar needed to meet the requirements of consumers in the Territory of Hawaii, and in Puerto Rico, and shall establish quotas for the amounts of sugar which may be marketed for local consumption in such areas equal to the amounts determined to be needed to meet the requirements of consumers therein.

It has been determined that those provisions of section 201 of the act which shall apply to the determination of the amounts of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico relate to (1) the amounts of sugar distributed for local consumption in Hawaii and in Puerto Rico during the twelve-month period ending October 31, 1951, and (2) changes in consumption because of changes in population and demand conditions. The amounts of sugar distributed for consumption in Hawaii and Puerto Rico during such twelve-month period were 44,300 short tons of sugar, raw value, and 97,000 short tons of sugar, raw value, respectively.

While no official estimates of population increases for either of these areas are available, it is believed that there will be increases in both areas comparable to those in previous years. In Puerto Rico there has been a trend toward the use of less raw sugar without an offsetting increase in the demand for refined sugar. Allowing for other changes in demand conditions, the quantities of 45,000 short tons for Hawaii and 100,000 short tons, raw value, for Puerto Rico should meet the requirements of larger populations.

(Sec. 403, 61 Stat. 932; U. S. C. Sup., 1153. Interpret or apply secs. 201, 203, 209, 210, 61 Stat. 923, 925, 928; 7 U. S. C., Sup., 1111, 1113, 1119, 1120)

Done at Washington, D. C., this 27th day of December 1951. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-15426; Filed, Dec. 29, 1951; 8:52 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 968—HANDLING OF MILK IN THE WICHITA, KANSAS, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 968.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Wichita, Kansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that;

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order amending the order, as amended, effective not later than January 1, 1952, so as to reflect current marketing conditions. Any delay beyond January 1, 1952, in the effective date of this order amending the order, as amended, will seriously impair the orderly marketing of milk in the Wichita, Kansas, marketing area. The provisions of the said order are well known to handlers, the public hearing having been held August 9, 1950, and the decision of the Secretary having been issued on December 26, 1951. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective January 1, 1952, and that it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order 30 days after its publication in the FEDERAL REGISTER (sec. 4 (c) Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237; 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order amending the order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended, and as hereby further amended, which is marketed within the Wichita, Kansas, marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the representative period (October 1951), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Wichita, Kansas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 968.5 and substitute therefor the following:

§ 968.5 *Approved dairy farmer.* "Approved dairy farmer" means any person who holds a currently valid permit or license issued by the Health Department of the City of Wichita, Kansas, or of Sedgwick County, Kansas, for the production of milk to be disposed of as Grade A milk.

2. Add the following as the last sentence of § 968.6: "This definition shall not include any approved dairy farmer with respect to milk received by a handler who is partially exempted from the provisions of this order pursuant to § 968.64."

3. Delete § 968.7 and substitute therefor the following:

§ 968.7 *Approved plant.* "Approved plant" means any plant approved by the health authorities of the City of Wichita, Kansas, or of Sedgwick County, Kansas, for the handling of milk to be disposed of for fluid consumption as milk in the marketing area and currently used for any or all of the functions of receiving, weighing (or measuring), sampling, cooling, pasteurizing or other preparation of milk for sale or disposition as milk or cream for fluid consumption in the marketing area.

4. Delete § 968.40 and substitute therefor the following:

§ 968.40 *Basis of classification.* All milk and milk products purchased, received or produced by each handler, including milk of a producer which a cooperative association causes to be delivered to a plant from which no milk is disposed of in the marketing area, shall be reported by the handler in the classes set forth in § 968.41 subject to the following conditions:

(a) Milk or skim milk moved in fluid form from an approved plant to an unapproved plant located more than 100 miles from the approved plant shall be Class I milk;

(b) Cream moved in fluid form from an approved plant to an unapproved plant located more than 100 miles from the approved plant shall be Class II milk if moved under Grade A certification and shall be Class III milk if so moved without Grade A certification;

(c) Milk, skim milk, or cream moved in fluid form from an approved plant to an unapproved plant located not more than 100 miles from the approved plant and from which fluid milk and cream are distributed, shall be Class I if moved in the form of milk or skim milk and Class II if moved in the form of cream, unless the purchaser certifies that the market administrator may verify his records. If the market administrator is permitted to verify the necessary records such milk, skim milk, or cream, shall be classified as follows: (1) Determine the classification of all milk received in the unapproved plant, and (2) allocate the milk, skim milk, or cream received from the approved plant to the highest use classification remaining after subtracting in series beginning with the highest use classification, the receipts of milk at such unapproved plant directly from dairy farmers who the market administrator determines constitute its regular source of milk for Class I and Class II use.

(d) Milk, skim milk or cream moved from an approved plant to an unapproved plant located not more than 100 miles from the approved plant and which does not distribute fluid milk or cream shall be classified as Class III milk.

(e) Milk or skim milk sold or disposed of by a handler who purchases or receives milk from producers to another handler shall be classified as Class I milk: *Provided,* That if such milk or skim milk, except milk or skim milk sold or disposed of by such handler to a producer-handler, is reported by the receiving handler or by the disposing handler as having been utilized as Class II milk or Class III milk, it shall be classified accordingly but in no event shall the amount classified in any class exceed the total use in such class by the receiving handler.

(f) Cream sold or disposed of as fluid cream by a handler who purchases or receives milk from producers to another handler shall be classified as Class II milk: *Provided,* That if such cream, except cream sold or disposed of by such handler to a producer-handler, is reported by the receiving handler or by the disposing handler as having been utilized as Class III milk, such cream shall be classified accordingly but in no event shall the amount classified in any class exceed the total use in such class by the receiving handler.

5. Delete § 968.41 (a) and substitute therefor the following:

(a) Class I milk shall be all milk and skim milk (1) disposed of for consumption as milk, skim milk, buttermilk, flavored milk and milk drinks, (2) used to produce concentrated (including frozen) milk, flavored milk or flavored milk drinks disposed of for fluid consumption neither sterilized nor in hermetically sealed cans, and (3) all milk not classified as Class II milk or Class III milk pursuant to paragraphs (b) and (c) of this section.

6. Delete § 968.43 (c) and substitute therefor the following:

(c) Determine the total pounds of milk in Class I as follows: (1) Convert to pounds the quantity of Class I milk on the basis of 2.15 pounds per quart (except that in the case of converting milk, flavored milk, or flavored milk drinks in concentrated form such conversion shall apply to the volume of milk used in the production of the concentrated product rather than the volume of finished product), and subtract the weight of any flavoring materials included, (2) multiply the result by the average butterfat test of such milk, and (3) if the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk and Class III milk, computed pursuant to paragraphs (d) (2) and (e) (4) of this paragraph is less than the total pounds of butterfat received computed in accordance with paragraph (b) of this section, an amount equal to the difference shall be divided by 3.8 percent and added to the quantity of milk determined pursuant to subparagraph (1) of this paragraph.

7. Delete § 968.44 and substitute therefor the following:

§ 968.44 *Allocation of milk classified.* Determine the allocation of milk received from producers as follows:

(a) Subtract from the total pounds of milk in each class the pounds of milk which were received from other handlers and used in each class.

(b) Subtract from the remaining pounds of milk in each class the pounds of milk received from sources other than producers and other handlers in the following sequence: (1) Class III milk, (2) Class II milk transferred to unapproved plants, (3) Class I milk transferred to unapproved plants, (4) other Class II milk, and (5) other Class I milk.

8. Delete § 968.50 and substitute therefor the following:

§ 968.50 *Class prices.* Each handler shall pay at the time and in the manner hereinafter set forth not less than the following price per hundredweight of milk received during each delivery period from producers:

(a) *Class I milk.* The price per hundredweight shall be the price determined pursuant to § 968.51 plus $1.80 for each month through March 1952, and plus $1.65 for each month thereafter.

(b) *Class II milk.* The price per hundredweight shall be the Class I price less 25 cents.

(c) *Class III milk.* The price per hundredweight shall be the higher of:

(1) A price computed pursuant to the alternative method specified in § 968.51, using prices for butter and nonfat dry milk solids for the current delivery period, less 15 cents for each of the delivery periods of April, May, June and July only; or

(2) The average of the prices paid or to be paid for ungraded milk received during the delivery period at the following plants now operated by the listed companies: At Wichita, Kansas, by the DeCoursey Cream Company; at Blackwell, Oklahoma, by Wilson and Company; and at Arkansas City, Kansas, by the Arkansas City Cooperative Milk Association.

9. Add the following as § 968.64:

§ 968.64 *Handlers subject to other orders.* In the case of any handler (as defined herein) who the Secretary determines disposes of a greater portion of his milk as Class I and Class II milk in an-

other marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this subpart shall not apply except as follows:

(a) The handler shall with respect to his total receipts and utilization of milk, make reports to the market administrator at such time and in such manner as the market administrator may require and shall allow verification of such reports;

(b) If the price which such handler is required to pay under the other Federal order to which he is subject for milk which would be classified as Class I milk or Class II milk under this subpart is less than the price provided by this subpart, such handler shall pay to the market administrator, for deposit in the producer-settlement fund, with respect to all milk disposed of (except to other handlers) as Class I milk or Class II milk within the marketing area, an amount equal to the difference between the value of such milk as computed pursuant to this subpart and its value as determined pursuant to the other order to which he is subject.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c).

Issued at Washington, D. C., this 28th day of December 1951, to be effective on and after the 1st day of January 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-15449; Filed, Dec. 29, 1951; 8:54 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 88 [1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 398—PRIORITY RATINGS AND SUPPLY ASSISTANCE ASSIGNED BY OIT

MISCELLANEOUS AMENDMENTS

1. Section 373.29 *Special provisions for certain totally allocated commodities,* paragraph (a) *Commodities included* is amended to read as follows:

(a) *Commodities included.* The following commodities, as described in the relevant National Production Authority orders, are subject to this section. The NPAF forms required to be submitted with respect to each commodity or group of commodities covered by an NPA order are specified in each order and for the convenience of exporters are also set forth below:

Commodity [1]	Relevant NPA order	Required NPAF form
Tin	M-8	7
Slab zinc	M-9	110
Copper refinery shapes (not OMP shapes) and brass and bronze ingots	M-10	83
Copper scrap and copper base alloy scrap	M-10	83
Tungsten, pure	M-81	114
Tungsten, except pure	M-80	114
Molybdenum, pure	M-81	114
Molybdenum, except pure	M-80	114
Soft pig lead	M-70	115

[1] Commodities covered are described in detail in the applicable NPA order.

(The note following paragraph (a) remains unchanged.)

This part of the amendment shall become effective as of December 20, 1951.

2. Part 373, Licensing Policies and Related Special Provisions, is amended by adding thereto a new § 373.31 to read as follows:

§ 373.31 *Special provisions for synthetic rubber (GR-S)* — (a) *Establishment of procedure.* This action establishes a procedure whereby exporters may apply for licenses to export Government-produced synthetic rubber (GR-S). The Office of International Trade will grant licenses to export Government-produced synthetic rubber (GR-S) in accordance with quotas established from time to time.

(b) *Essentiality of end use.* In general, applications for a license to export Government-produced synthetic rubber (GR-S) described in this section will be considered for approval where the end use meets one of the following criteria:

(1) There is a special technical need for synthetic rubber that cannot be adequately met by natural rubber;

(2) The user abroad is an established user of synthetic rubber and it would cause a significant disruption if he were required to convert to natural rubber, or

(3) It is in the national security interest of the United States to permit the export of the particular shipment of synthetic rubber.

In cases where an end-use or consignee statement is required, such statements shall include, in addition to other required information, a statement indicating the approximate period of time it will take to consume the amount requested.

Applicants for licenses to export Government-produced synthetic rubber (GR-S) shall also indicate in item 5 of the application, Form IT-419, the number of the import license or other import authorization upon which the application is based.

(c) *Submission of requests.* (1) Under this procedure exporters must file their license applications on or before January 7, 1952, in order to allow sufficient time for processing by the Office of International Trade for the first quarter, 1952, allotments.

(2) Where additional documentary evidence is required from the consignee such as an end-use statement, import permit or other document which the exporter is unable to obtain within the time allowed for filing for the first quarter, 1952, quota, he may file his application within the period specified in this section without the necessary documents provided he certifies that he has requested these documents from the appropriate sources and will forward the documents to the Office of International Trade when received. However, the exporter will not be granted an export license until all the essential documents have been received by the Office of International Trade and all the requirements have been met.

NOTE: The Reconstruction Finance Corporation will sell the Government-produced synthetic rubber (GR-S) to exporters holding outstanding export licenses granted by the Office of International Trade.

Purchase requests should be sent by the exporter to the Sales Section, Synthetic Rubber Division, R. F. C., Washington 25, D. C., certifying therein that he has received Export License No. _____ to export Government-produced synthetic rubber (GR-S).

This part of the amendment shall become effective as of December 20, 1951.

3. Section 398.3 *DO-MRO priority ratings for maintenance, repair, and operating supplies for export* is amended in the following particulars:

a. Paragraph (b) *Manufacturing exporters,* subparagraph (2) is amended to read as follows:

(2) On or before September 1, 1951, or within 30 days after NPA Order M-79 is amended so as to first bring him under M-79 or so as to change the MRO items thereafter to be included in computing his MRO export quota, each manufacturer for whom a quarterly MRO export quota is assigned and established by NPA Order M-79 shall prepare and submit to the Office of International Trade a signed report in duplicate, on Form IT-833. All the terms, conditions, provisions, and instructions, including the certification, contained in or issued in connection with such Form IT-833 are hereby incorporated as a part of this regulation with the same force and effect as if set forth in full herein.

Special note should be made that a manufacturer in computing his 1950 deliveries for export must not include any items delivered for use abroad for personal or household purposes or, insofar as replacement parts are concerned, any items delivered for use abroad for other than replacement purposes. Where precise knowledge as to foreign end-use is lacking, estimates may be made, but in such cases the manufacturer must include in his report a statement showing what estimates he has made, what were his total sales for export of the category in question, and the basis upon which his estimates are made.

b. Paragraph (d) *Export license requirements* is amended to read as follows:

(d) *Export license requirements.* Section 12 of NPA Order M-79 warns exporters that the authority granted by the order to apply the DO-MRO rating to any item requiring an export license does not imply assurance that the needed license can be granted. Exporters and

[1] This amendment was published in Current Export Bulletin No. 651, dated December 20, 1951.

manufacturers are reminded that it is advisable to secure the license before use of the DO–MRO rating on export orders under the M–79 quota.

c. Paragraph (e) *Scope,* unnumbered subparagraph headed *Excluded items (Specifically listed in NPA Order M–79),* is amended to read as follows:

Excluded Items (Specifically Listed in NPA Order M–79)

All MRO supplies for personal or household use. Materials listed in List A of NPA Reg. 2 as such list may be amended or supplemented from time to time.

Excluded items: List A, NPA Reg. 2 as amended September 13, 1951:

Communications services.
Crushed stone.
Gravel.
Sand.
Scrap.
Slag.
Steam heat, central.
Certain transportation services, as defined in List A.
Waste paper.
Water.
Wood pulp.
Solid fuels: All forms of anthracite, bituminous, subbituminous, and lignitic coals, and coke and its byproducts.
Gas and gas pipelines: Natural gas, manufactured gas, and pipelines for the movement thereof.
Petroleum and petroleum pipelines: Crude oil, synthetic liquid fuel, their products and associated hydrocarbons, including pipelines for the movement thereof.
Electric power: All forms of electric power and energy.
Radioisotopes, stable isotopes, source and fissionable materials.
Farm equipment.
Fertilizer, commercial: In form for distribution to users.
Food, except in certain cases where used industrially (refer to List A itself for further definitions).
Transportation services (domestic), storage and port facilities.
Products (production and distribution) used in the petroleum industry and listed in NPA Delegation 9 (February 26, 1951) as follows:
(1) Tetraethyl lead fluid.
(2) Petroleum cracking catalysts.
(3) Special inhibitors used in gasoline.
(4) Lubricating oil additives.
(5) Fluids and additives made especially for oil and gas drilling, and demulsifiers.
Ores, minerals, concentrates, residues, and other products (until processing is completed) listed in NPA Delegation 5 (May 22, 1951).

Materials listed in Schedule I of CMP Regulation 5, as such regulation may be amended or supplemented from time to time.

Excluded items: Schedule I of CMP Reg. 5 as amended August 10, 1951:

All basic, organic, or inorganic chemicals, their intermediates and derivatives other than compounded end-products not customarily sold as chemicals.
Products appearing in List A of NPA Drder M–47A, as that order may be amended from time to time (except in item 28 of Section VIII of List A), or in List B of said order (except painters' and industrial brushes, as defined in NPA Order M–18, as that order may be amended from time to time).

NOTE: This very lengthy list encompasses mainly "consumers' goods" incorporating metals, and includes such items as metal and wood household furniture, store fixtures, office furniture, partitions, shelving, lockers and fixtures, household appliances, machines and equipment, utensils and cutlery, radios, television, and phonographs, transportation equipment, etc.

Nylon fibers and yarns.
Packaging materials and containers.
Paint, lacquer, and varnish.
Paper and paper products.
Paperboard and paperboard products.
Printed matter.
Photographic film.
Rubber tires and tubes.

Controlled materials as defined in Section 2 (c) of CMP Reg. No. 1 as such regulation may be amended or supplemented from time to time. (For specific listing, refer to § 398.5(d)).

Farm equipment.
Parts and accessories for aircraft or for ground equipment for servicing aircraft, and any components of either.
Parts and assemblies of parts, and accessories, for automotive vehicles, including all passenger carriers, trucks (on or off the highway), truck trailers, and motorized fire equipment.
Repair and replacement parts for construction machinery given in List A of NPA Order M–43, as such list may be amended or supplemented from time to time.

Excluded items: List A of M–43 as amended March 2, 1951:

Bituminous equipment:
Asphalt plants.
Bituminous mixing plants.
Dryers.
Patching plants.
Pavers.
Distributors.
Spreaders and finishers.
Compressors: Portable air compressors.
Crushing equipment:
Crushers.
Conveyors.
Screens.
Concrete equipment:
Batching plants.
Mixers.
Truck-Mixers.
Pavers.
Spreading and finishing machines.
Cranes, shovels, and excavators (commercial sizes, from three-eighths cubic yard to two and one-half cubic yards):
Large shovels.
Dredges.
Hoists and derricks.
Buckets.
Trenchers.
Drills:
Air.
Portable well.
Earth-boring machines.
Deep well drills.
Loaders:
Bucket.
Front end.
Motor graders: Any and all.
Pumps: Pumps, contractors.
Rollers and compactors: Any and all.
Scrapers: Scrapers, hauling.
Tractors: All tractors for construction.
Tractor allied equipment:
Dozers.
Front-end attachments.
Power control units.
Snow plows.
Trucks and trailers: Trucks and trailers, off-highway hauling equipment.

(The note following paragraph (e) remains unchanged.)

d. *Questions and Answers on MRO under Order M–79* following § 398.3 are amended in the following particulars: Question and Answer 5. is amended to read as follows:

5. Q. Are manufacturers of automotive parts included under Order M–79?

A. No, not as to automotive replacement parts; effective November 19, 1951, automotive replacement parts were removed from the scope of M–79. (Orders for automotive replacement parts placed, accepted, and put into production prior to November 19, 1951, pursuant to Order M–79 must continue to be treated as rated orders according to the priorities regulations. This of course applies to all other commodities deleted from M–79 by the amendment of November 19.)

Question and Answer 16. is amended to read as follows:

16. Q. How many IT–834's have been approved to date?

A. Less than a dozen. Under the basic concept of the order it is anticipated that, with self-rating of export orders by a manufacturer within his quota, non-manufacturing exporters should in most cases be able to place their MRO orders without difficulty.

This part of the amendment shall become effective as of December 20, 1951.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 51–15412; Filed, Dec. 29, 1951; 8:50 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. 89]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 398—PRIORITY RATINGS AND SUPPLY ASSISTANCE ASSIGNED BY OIT

MISCELLANEOUS AMENDMENTS

1. Section 373.51 *Supplement 1: Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended in the following particulars: The following footnote is added to each of the two entries which set forth submission dates for first and second quarter 1952 of license applications covering "commodities with processing code STEE" (Controlled Materials):

See § 398.5 (b) (6) for exception to these dates as to certain commodities.

2. Section 398.5 *CMP: Export allocations and procedures* is amended in the following particulars:

a. Paragraph (b) *Export quotas and allotment symbols for controlled materials* is amended by renumbering the present subparagraph (6) as subparagraph (7) and adding a new subparagraph (6) to read as follows:

(6) *Right to apply procurement allotment numbers and symbols for certain steel mill products.* All licensees holding unexpired validated licenses covering any of the steel mill products listed below formerly classified "B" product, and reclassified effective January 1, 1952, as controlled materials, are hereby assigned the right to apply during the period through January 15, 1952, the appropriate symbols and numbers (see subparagraph (2) of this paragraph) to procure such materials for first quarter 1952 delivery. Licensees utilizing this authority must notify the OIT on Form

IT–763 not later than January 31, 1952, the extent to which such authority has been utilized. In addition to the information required by Form IT–763, licensees must enter in item 12 thereof the quantity rated for procurement under this authority. The words "Allotment Confirmation" should be placed at the top of the form for identification purposes.

Dept. of Commerce Schedule B No.[1]	Commodity
	STEEL MILL PRODUCTS, ROLLED AND FINISHED
	Steel sheets, galvanized (all steel grades):
603591	Roofing, galvanized, corrugated, V crimp and channel drain (formerly 603390 and 603490).
603591	Ridge roll, valley and flashing (except flat), galvanized (formerly 603390 and 603490).
603591	Siding, corrugated and brick (formerly 603390 and 603490).
	Flat galvanized sheets:
603592	Flashing, flat, galvanized (formerly 603390 and 603490).
	CASTINGS AND FORGINGS
	Forgings, rough and semifinished:
610493	Die blocks, carbon steel (formerly 610700).
	Alloy steel, including stainless:
610495	Die blocks, alloy steel (formerly 610800).
	METAL MANUFACTURES
	Nails, staples, spikes, and tacks:
618267	Nails, steel wire, galvanized, cement coated and painted (formerly 609200 and 609500).
618267	Spikes and brads, steel wire, galvanized and cement coated (formerly 609200 and 609500).
618267	Staples, wire, fencing and poultry (formerly 609500).
	Nails, staples, spikes, except wire:
618271	Nails, steel cut, galvanized, cement coated and painted (formerly 609500).
	Wire products; n. e. c.:
619047	Woven wire netting, carbon or stainless steel (formerly 608500).
	Wire-reinforcing fabric:
619058	Welded wire mesh, carbon or stainless steel (formerly 609198).
	Wire rope and cord, except insulated:
619061	Wire rope, carbon or stainless steel (formerly 608710).
	Wire strand, including guard rail cable:
619065	Wire strand, carbon or stainless steel (formerly 608750).

[1] 1952 edition of Schedule B Nos., Bureau of the Census.

Holders of licenses for the above materials who are unable to place orders by January 16, 1952, or persons who do not have any such licenses, may file requests for amendment of the license or may file new license applications at any time up to and including January 31, 1952, for consideration against the quotas for first or second quarter, 1952. The requests and applications must specify the calendar quarter for which the right to apply procurement allotment symbols and numbers is requested.

b. Paragraph (e) *Controlled materials* is amended by adding thereto the commodities listed in § 398.5 (b) (6) shown above in this amendment.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR, 1948 Supp.)

This amendment shall become effective as of January 1, 1952.

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 51–15436; Filed, Dec. 28, 1951; 1:58 p. m.]

[5th Gen. Rev. of Export Reg., Amdt. P. L. 65[1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

DELETIONS FROM POSITIVE LIST OF COMMODITIES

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

The following commodities are deleted from the Positive List:

Department of Commerce Schedule B No.	Commodity
	Cotton cloth, duck, and tire fabric:
	Unbleached (gray) cloth:
302100	Other tire fabrics.
302500	Ounce duck, flat, single or double filling.[1]
	Fabrics wholly or chiefly of wool:
	Wool cloth or dress goods:
364210	Weighing not over 10 ounces per square yard.
364220	
364250	Weighing over 10 ounces per square yard.
364260	
364900	Other wool fabrics.
366300	Wool felts, except woven.
366400	Wool felts, woven, for machines.
366600	Wool blankets.
366601	
	Wool wearing apparel:
367500	Wool knit bathing suits.
367600	Wool knit sweaters for men, women, and children.
367700	Wool knit goods, n. e. s. (men's, women's, and children's included).
368005	Men's overcoats, suits, and pants.
368028	Boys' overcoats, suits, and pants.

[1] Ounce duck, Army type (having a plied yarn in both the warp and filling), Schedule B No. 302500, remains on the Positive List, GLV limits $50, validated licenses required to Group R and Group O countries.

Dept. of Commerce Schedule B No.	Commodity
	Fabrics wholly or chiefly of wool—Con.
	Wool wearing apparel—Continued
368200	Women's and children's dresses and ensembles, except knit.
368300	Women's and children's apparel, except knit, n. e. s.
368420	Men's and boys' apparel, except knit, n. e. s.
368998	Wool or mohair manufactures, n. e. s.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR, 1948 Supp.)

This amendment shall become effective as of December 20, 1951.

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 51–15413; Filed, Dec. 29, 1951; 8:50 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. P. L. 66]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

WIRE STRAND

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

The following commodity is changed from an R to RO commodity:

Dept. of Commerce Schedule B No.[1]	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
608750	Wire and manufactures: Wire strand	Pound	STEE	100	RO

[1] New Schedule B No. 619065 (1952 Edition of Schedule B Nos., Bureau of the Census).

Shipments of the commodity removed from general license to Country Group O destinations as a result of the change set forth above in this amendment which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., January 8, 1952, may be exported under the previous general license provisions up to and including January 31, 1952. Any such shipment not laden aboard the exporting carrier on or before January 31, 1952, requires a validated license for export.

This amendment shall become effective as of 12:01 a. m., January 1, 1952.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 51–15437; Filed, Dec. 28, 1951; 1:58 p. m.]

[1] This amendment was published in Current Export Bulletin No. 651, dated December 20, 1951.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5739]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HAROLD'S STUDIO

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages, or connections—Connections or arrangements with others;* § 3.75 *Free goods or services;* § 3.105 *Individual's special selection;* § 3.130 *Manufacture or preparation;* § 3.260 *Terms and conditions;* § 3.275 *Undertakings, in general.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1905 *Terms and conditions.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1955 *Free goods;* § 3.1985 *Individual's special selection or situation;* § 3.2080 *Terms and conditions;* § 3.2090 *Undertakings, in general.* Subpart—*Using contest schemes unfairly:* § 3.2270 *Using contest schemes unfairly;* § 3.2275 *Using misleading name—Goods:* § 3.2310 *Manufacture or preparation.* In connection with the

offering for sale, sale or distribution of photographs, frames and similar merchandise, in commerce, (1) representing, directly or by implication, that a specified sum of money or monetary amount in awards will be made to winners in a contest unless the specified sum or amount in awards is made in cash; (2) failing to disclose in the advertising for any contest conducted by respondent the conditions and requirements which govern the selection of contest winners, including the extent to which such selection is controlled or influenced by the purchase of respondent's merchandise; (3) representing, directly or by implication, that recipients of any of respondent's promotional offers are especially selected; (4) using the term "Gold Tone" or any other word or words of similar import or meaning, either alone or in combination with any other word or words, to designate, describe or refer to a photographic reproduction which is not a product of a finishing process involving the use of a toning or developing bath which contains chloride of gold or other gold salts; (5) representing, directly or by implication, that awards in a specified number or value will be made in any contest unless such awards are actually conferred; (6) using the word "Free" or any other word or term of similar import or meaning to designate, describe or refer to any article of merchandise which is not in fact a gift or gratuity or which is not given without requiring the purchase of other merchandise or the performance of some service inuring, directly or indirectly, to the benefit of the respondent; or, (7) representing, directly or by implication, that respondent is a member of the Minnesota Photographers Association, of the Minnesota State Photographers Association or of the Minnesota Professional Photographers Association, or of any other association or organization, unless such be true in fact; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, H. Harold Becko t. a. Harold's Studio, Docket 5739, November 8, 1951]

In the Matter of H. Harold Becko, an Individual Trading as Harold's Studio

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on February 6, 1950, issued and subsequently served its complaint in this proceeding upon the respondent H. Harold Becko, an individual trading as Harold's Studio, charging him with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. After the issuance of said complaint and the filing of respondent's answer thereto, hearings were held at which testimony and other evidence in support of and in opposition to the allegations of the complaint were introduced before a trial examiner of the Commission, theretofore duly designated by it, and such testimony and other evidence were duly recorded and filed in the office of the Commission. On November 20, 1950, the trial examiner filed his initial decision.

This matter thereafter came on to be heard by the Commission upon an appeal from said initial decision filed by counsel for respondent and an appeal filed by counsel supporting the complaint, briefs in support of and in opposition to said appeals, and oral argument, and the Commission having duly considered and ruled upon said appeals and having considered the record herein, and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes the following findings as to the facts,[1] conclusions drawn therefrom,[1] and order, the same to be in lieu of the initial decision of the trial examiner.

It is ordered, That the respondent H. Harold Becko, individually and trading as Harold's Studio, or trading under any other name, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of photographs, frames and similar merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, directly or by implication, that a specified sum of money or monetary amount in awards will be made to winners in a contest unless the specified sum or amount in awards is made in cash.

(2) Failing to disclose in the advertising for any contest conducted by respondent the conditions and requirements which govern the selection of contest winners, including the extent to which such selection is controlled or influenced by the purchase of respondent's merchandise.

(3) Representing, directly or by implication, that recipients of any of respondent's promotional offers are especially selected.

(4) Using the term "Gold Tone" or any other word or words of similar import or meaning, either alone or in combination with any other word or words, to designate, describe or refer to a photographic reproduction which is not a product of a finishing process involving the use of a toning or developing bath which contains chloride of gold or other gold salts.

(5) Representing, directly or by implication, that awards in a specified number or value will be made in any contest unless such awards are actually conferred.

(6) Using the word "Free" or any other word or term of similar import or meaning to designate, describe or refer to any article of merchandise which is not in fact a gift or gratuity or which is not given without requiring the purchase of other merchandise or the performance of some service inuring, directly or indirectly, to the benefit of the respondent.

(7) Representing, directly or by implication, that respondent is a member of the Minnesota Photographers Association of the Minnesota State Photographers Association or of the Minnesota Professional Photographers Association, or of any other association or organization, unless such be true in fact.

It is further ordered, That the charges of the complaint hereinbefore referred to and discussed in paragraph (b) of the conclusion[1] be, and the same hereby are, dismissed without prejudice to the right of the Commission to take such further or other action in the future as may be warranted by the then existing circumstances.

It is further ordered, That respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission, Commissioner Mason not participating as to inhibition (6) of this order.

Issued: November 8, 1951.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-15415; Filed, Dec. 29, 1951; 8:51 a. m.]

[1] Filed as part of the original document.

[Docket 5806]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

EUREKA WOOLEN MILLS ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.30 *Composition of goods.* Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition: Wool Products Labeling Act.* § 3.1325 *Source or origin—Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition—Wool Products Labeling Act;* § 3.1900 *Source or origin—Wool Products Labeling Act.* I. In connection with the offering for sale, sale and distribution of blankets or other wool products in commerce, (1) misrepresenting in any way the constituent fiber or material used in its merchandise or the respective percentage thereof; (2) describing, designating or in any way referring to any product or portion of a product which is "reprocessed wool" or "reused wool" as "wool"; or, (3) using the word "wool" to describe, designate or in any way refer to any product or portion of a product which is not the fiber from the fleece of the sheep or lamb, or hair of the Angora goat or Cashmere goat, or hair of the camel, alpaca, llama or vicuña which has never been reclaimed from any woven or felted product; and, II, in connection with the introduction into commerce, or the sale, transportation, or distribution of such products in commerce, misbranding blankets or other wool products as defined in and subject to the Wool Products Labeling Act of 1939, which contain, purport to contain or in any way are represented as containing, "wool," "reprocessed wool," or "reused wool" as such terms are defined in said act, by (1) falsely or deceptively stamping, tagging, labeling or otherwise identifying such product; (2) failing to securely affix to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner; (a) the percent-

age of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five percentum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any nonfibrous loading, filling or adulterating matter; and (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722, sec. 6, 54 Stat. 1131; 15 U. S. C. 46, 68d. Interprets or applies sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68c) [Cease and desist order, Norman L. Rothstein t. a. Eureka Woolen Mills, etc., et al., Docket 5806, November 15, 1951]

In the Matter of Norman L. Rothstein, Individually and Trading as Eureka Woolen Mills, Humboldt Bay Woolen Mills, and Humboldt Bay Woolen Co., and Edwin B. Schwinger and Richard N. Goldman, Individually and as Copartners Trading and Doing Business as Goldman-Schwinger & Co.

This proceeding was heard by John W. Addison, trial examiner, upon the complaint of the Commission, and upon respondents' substitute answers, in which, after requesting and obtaining leave to withdraw their original answers, they admitted all the material allegations of fact in the complaint and waived all intervening procedure and further hearings as to the facts; and which were in due course filed in the office of the Commission.

Thereafter the proceeding regularly came on for final consideration by the above-named trial examiner, theretofore duly designated by the Commission, upon said complaint and answers, intervening procedure having been waived, and no proposed findings and conclusions having been presented by counsel, nor oral argument requested, and said trial examiner, having considered the record in the matter, and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts, conclusion drawn therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on November 15, 1951.

The said order to cease and desist is as follows:

It is ordered, That respondents Norman L. Rothstein, individually and trading as Eureka Woolen Mills, Humboldt Bay Woolen Mills, and Humboldt Bay Woolen Co., or under any other name, and Edwin B. Schwinger and Richard N. Goldman, individually and as copartners trading and doing business as Goldman-Schwinger & Co., or under any other name, jointly or severally, their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of blankets or other wool products in commerce, as "commerce" is defined in the aforesaid acts, do forthwith cease and desist from:

1. Misrepresenting in any way the constituent fiber or material used in its merchandise or the respective percentages thereof;

2. Describing, designating or in any way referring to any product or portion of a product which is "reprocessed wool" or "reused wool" as "wool";

3. Using the word "wool" to describe, designate or in any way refer to any product or portion of a product which is not the fiber from the fleece of the sheep or lamb, or hair of the Angora goat or Cashmere goat, or hair of the camel, alpaca, llama or vicuna which has never been reclaimed from any woven or felted product.

It is further ordered, That respondents, individually or trading as above described, jointly or severally, their representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, transportation, or distribution of such products in commerce, as "commerce" is defined in the aforesaid acts, do forthwith cease and desist from misbranding blankets or other wool products as defined in and subject to the Wool Products Labeling Act of 1939, which contain, purport to contain or in any way are represented as containing, "wool", "reprocessed wool," or "reused wool" as these terms are defined in said act, by

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such product;

2. Failing to securely affix to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five percentum of said total fiber weight of

(1) Wool,

(2) Reprocessed wool,

(3) Reused wool,

(4) Each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and

(5) The aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any nonfibrous loading, filling or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939;

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided further,* That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

By "Decision of the Commission and order to file report of compliance, Docket 5806, November 15, 1951, which announced and decreed fruition of said initial decision with the said order was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 15, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51–15416; Filed, Dec. 29, 1951; 8:51 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52894]

PART 22—DRAWBACK

MISCELLANEOUS AMENDMENTS

On September 1, 1951, a notice of proposed rule making in respect to the proposed amendment of Part 22, Customs Regulations of 1943 (19 CFR Part 22), to cover a new procedure in connection with the allowance of drawback on certain articles was published in the FEDERAL REGISTER (16 F. R. 8920). After careful consideration of all relevant matter presented by interested persons, the amendments hereinafter set forth are hereby made. These amendments are made under the authority of R. S. 251, secs. 309, 313, 557, 46 Stat. 690, 693, 744, as amended; sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1309, 1313, 1557, 1624.

The regulations governing the allowance of drawback on articles manufactured or produced in the United States with the use of imported or substituted merchandise, and on flavoring extracts and medicinal or toilet preparations manufactured or produced with the use of domestic tax-paid alcohol, require, among other things, the filing of a notice of intent (customs Form 7511) at least 6 hours prior to the lading of the articles

on board the exporting conveyance and customs inspection and supervision of lading of the articles, and that the bill of lading under which the articles were exported or a copy thereof be furnished in support of the drawback entry.

For the purpose of simplifying the preparation, filing, and processing of drawback claims, from the point of view of both the claimant and the Government, a new procedure has been devised to eliminate the requirements for (1) filing a notice of intent, (2) customs inspection and supervision of lading, and (3) the filing of a bill of lading or copy thereof in support of the drawback claim. Other amendments are included for clarification or to cover established procedures.

In general, the new procedure provides that the exporter or his agent shall file a "Notice of Exportation" at the time of filing the shipper's export declaration. Two forms of the notice of exportation have been devised (one of which is presently limited for use only at New York) to permit the notice to be prepared by the same writing as the shipper's export declaration. In lieu of customs inspection and supervision, the collector of customs at the port of exportation will examine the records of his office to determine the fact of exportation, and he will certify on the notice of exportation as to the fact of exportation and the name of the exporter. This procedure will obviate the need for bills of lading to support the drawback entry. After certification by the collector, the notice of exportation will be returned to the exporter (or the person designated by the exporter) to be filed with the drawback entry. This procedure will permit the claimant to have in his possession all the documents necessary to prepare his drawback entry and will eliminate the present necessity of examining the collector's records to determine whether the notice of intent was timely filed and the articles were examined and laden under customs supervision or an opportunity was afforded the Government to give such supervision. Also in cases where the articles were exported at one port and the drawback entry is filed at another port, the elimination of the notice of intent will relieve the claimant of the necessity of maintaining records of notice of intent numbers in connection with the preparation of the drawback entry.

Under the new procedure, however, the collector will examine articles to be exported with claim of drawback when he has reason to doubt the bona fides of the shipment. At the direction of the collector, occasional examination will also be made by the Customs Agency Service of the manufacturing records and also the sales and financial records of all interested parties for the purpose of verifying the particulars shown in the drawback entry.

In accordance with the foregoing, Part 22, Customs Regulations of 1943 (19 CFR Part 22), as amended, is hereby further amended as follows:

1. Footnote 3 cited in and appended to § 22.1 is redesignated footnote 2.

2. Footnote 4 cited in and appended to § 22.2 is redesignated footnote 3.

3. a. Section 22.3 is amended by deleting the parenthetical matter at the end of paragraph (b) and adding a new paragraph reading as follows:

(c) The manufacturer or producer may abandon his application for the establishment of a rate of drawback by filing a written statement to that effect addressed to the collector or deputy collector of customs with whom the application was filed or to the investigating officer. An abandoned application may not be revived to give an earlier effective date to a rate of drawback established as the result of a subsequent application.

(Sec. 313, 46 Stat. 693, secs. 402, 403, 49 Stat. 1960, sec. 624, 46 Stat. 759; 19 U. S. C. 1313, 1624)

b. T. D. 45185 (2) shall be shown as a marginal citation opposite paragraph (c).

4. Section 22.4 (d) is amended by deleting "§§ 22.18 and 22.19 (c)" from the first and second sentences and substituting in lieu thereof "§§ 22.15 and 22.16 (c)".

5. Section 22.6 (b) (20) is amended by deleting from the drawback entry form prescribed therein "intent to export" and "intent" and substituting "exportation" for each of the deleted terms.

6. Section 22.7 and footnote 5 appended thereto are deleted and a new section and footnote are substituted in lieu thereof reading as follows:

§ 22.7 *Notice of exportation.* (a) A notice of exportation in triplicate,[4] on customs Form 7511, for each shipment of merchandise on which drawback is to be claimed shall be filed by the exporter or his agent with the collector of customs at the port at which the shipment is to be exported from the United States. Such notice shall show the name of the exporting vessel or other carrier, the number and kind of packages and their marks and numbers, the description of the merchandise and its weight (gross and net), gauge, measure, or number, the name of the exporter, and the name of the port where the drawback entry is to be filed. If the merchandise is to be exported in railroad cars, a notice of exportation shall be filed for each car.

(b) Except as provided for in §§ 22.8 and 22.9, the notice of exportation shall be filed with the shipper's export declaration, or, if filed subsequently, it shall be filed within 2 years after exportation and shall state the number and date of the shipper's export declaration. One shipper's export declaration may cover several notices of exportation. A notice of exportation not filed in the time and manner herein specified shall not be accepted unless its acceptance is specifically authorized by the Bureau.

(c) Upon receipt of the notice of exportation, the collector shall assign a number thereto which shall be the same as the number assigned to the corresponding shipper's export declaration, and which shall be stamped or endorsed on the original and each copy of the notice. If a shipper's export declaration covers more than one notice of exportation, one of the notices shall be assigned the same number as that assigned to the shipper's export declaration; the remaining notices shall also be assigned the same number but each notice shall be further identified by the addition of an alphabetic designation beginning with the letter "A". On one of the copies of the notice, the collector shall certify (1) as to the exportation of the merchandise as shown by the records of his office, and (2) as to the name of the exporter as shown by the shipper's export declaration covering the merchandise. The collector shall return such copy and one uncertified copy to the exporter, or to the person designated by the exporter, for subsequent filing with the drawback entry. Whenever the collector is unable to certify to the exportation of the merchandise covered by the notice of exportation, he shall return two copies of the notice to the exporter or to the person designated by the exporter, with a statement of the facts in the case.

(d) When drawback is to be claimed under section 313 (a), (b), or (g), Tariff Act of 1930, on an aircraft departing under its own power from the United States, or on merchandise exported by aircraft, the notice of exportation shall be filed in the manner prescribed herein at the port where the shipper's export declaration is filed.

(e) When merchandise is laden on a vessel for transshipment at a domestic port outside the continental United States,[5] the notice of exportation shall be filed with the collector of customs at the port where the merchandise was last transshipped for its foreign destination (the place where the shipper's export declaration is filed).

(Sec. 313, 46 Stat. 693, secs. 402, 403, 49 Stat. 1960, sec. 624, 46 Stat. 759; 19 U. S. C. 1313, 1624)

7. Section 22.8 is deleted and a new section is substituted in lieu thereof reading as follows:

§ 22.8 *Notice of exportation; mail shipments.* (a) If the merchandise on which drawback is to be claimed is to be exported by registered mail or parcel post, the notice of exportation shall be prepared in quadruplicate. Three copies shall be filed with the postmaster at the place of mailing, and the merchandise shall be delivered to the postmaster at the same time and mailed under his supervision. The fourth copy shall be retained by the exporter for subsequent filing with the drawback entry. Such notices shall be numbered by the exporter in accordance with § 22.10.

(b) Each package to be exported shall have stamped or written thereon a waiver of the right to withdraw the package from the mails, signed by the exporter, on customs Form 3413, or in a substantially similar form.

(c) After the packages have been mailed, the postmaster will execute his certificate on one of the copies of the

[4] If the exporter desires, he may file an extra copy of the notice of exportation with the collector for numbering and return to him for use for reference or other purposes in pursuing his claim.

[5] Such as San Juan, P. R., or Honolulu, T. H.

notice of exportation and return such copy to the person who presented the notice, for subsequent filing with the drawback entry. One copy of the notice will be postmarked by the postmaster and mailed by him to the collector of customs at the port where the notice shows the drawback entry is to be filed, and the other copy will be retained by the postmaster as his record of the transaction.

(Sec. 313, 46 Stat. 693, secs. 402, 403, 49 Stat. 1960, sec. 624, 46 Stat. 759; 19 U. S. C. 1313, 1624)

8. Section 22.9 is deleted and a new section is substituted in lieu thereof reading as follows:

§ 22.9 *Notice of exportation; government shipments.* (a) In the case of a shipment by a department, branch, or agency of the United States Government, if no shipper's export declaration is required, the notice of exportation for such a shipment shall be prepared in quadruplicate, whether the drawback is to be claimed by such department, branch, or agency, or by the supplier of the merchandise. Three copies shall be filed by the exporter or his agent with the government officer in charge of transportation at the port of exportation. The fourth copy shall be retained by the exporter for subsequent filing with the drawback entry. Such notices shall be numbered by the exporter in accordance with § 22.10.

(b) The notice of exportation shall bear an endorsement in the following form, to be placed thereon by the exporter, for execution by the government transportation officer at the port of exportation:

CERTIFICATE OF EXPORTATION

This is to certify that the merchandise described herein was laden at the port of ----------, for ----------;
(foreign destination—actual or code)
that the exporting conveyance departed from the above-named port on ----------;
(Date)
and that ---------- was
(Name)
the actual shipper of the merchandise.

(Name)

(Rank, organization, title)

(Date)

(c) After the exporting vessel or other conveyance has departed, the government transportation officer at the port of exportation will execute his certificate on one of the copies of the notice of exportation and return such copy to the exporter, or to the person designated by the exporter, for subsequent filing with the drawback entry. One copy of the notice of exportation will also be signed by the government transportation officer to indicate its official status and mailed by him to the collector of customs at the port where the notice shows the drawback entry is to be filed, and the other copy will be retained by the government transportation officer as his record of the transaction.

(Sec. 313, 46 Stat. 693, secs. 402, 403, 49 Stat. 1960, sec. 624, 46 Stat. 759; 19 U. S. C. 1313, 1624)

9. Section 22.10 is deleted and a new section is substituted in lieu thereof reading as follows:

§ 22.10 *Numbering notices of exportation for mail or government shipments.* Notices of exportation covering government shipments or shipments by mail shall be given, for identification purposes, a number by the exporter in a series beginning with No. 1 for each 12-month period commencing on July 1 of each year. One series of numbers shall be used by each exporter to cover both types of shipments made by him.

(Sec. 313, 46 Stat. 693, secs. 402, 403, 49 Stat. 1960, sec. 624, 46 Stat. 759; 19 U. S. C. 1313, 1624)

10. Section 22.11 is deleted and a new section is substituted in lieu thereof reading as follows:

§ 22.11 *Amendment of notices of exportation.* At any time within the 2-year period prescribed for the completion of the drawback claim, a notice of exportation may be amended if the collector is satisfied as to the correctness of the amendment. Every application for amendment and its supporting evidence shall be in writing and submitted to the collector of customs at the port where the drawback entry is filed.

(Sec. 313, 46 Stat. 693, secs. 402, 403, 49 Stat. 1960, sec. 624, 46 Stat. 759; 19 U. S. C. 1313, 1624)

11. Section 22.12 is deleted and a new section is substituted in lieu thereof reading as follows:

§ 22.12 *Examination of merchandise.* The collector may examine any merchandise being exported with benefit of drawback if he is not satisfied as to the bona fides of the shipment.

(Sec. 313, 46 Stat. 693, secs. 402, 403, 49 Stat. 1960, sec 624, 46 Stat. 759; 19 U. S. C. 1313, 1624)

12. Sections 22.13, 22.14, and 22.15 are deleted.

13. Section 22.16 is redesignated § 22.13, and paragraph (a) thereof is amended to read as follows:

(a) A drawback entry and certificate of manufacture shall be filed in duplicate within 2 years after the date the articles are exported. Such entry and certificate shall be filed on customs Form 7575 except in cases covered by paragraph (c) or (e) of this section. The copy of the notice of exportation certified by the collector and one uncertified copy shall be filed with the entry. The certified copy of the notice of exportation shall show that the merchandise was shipped by the person making the drawback entry, or shall bear an endorsement of the person in whose name the merchandise was shipped, showing that the person making entry is authorized to make it and to receive the drawback. One entry may cover several shipments. All documents necessary to the liquidation of the entry, including those issued by one customs officer to another, shall be filed or applied for, as the case may require, within the 2-year period prescribed above, except that any required landing certificate shall be filed within the time prescribed in § 22.17 (c). The Bureau may specifically authorize an extension of the 2-year period for compliance with any of the foregoing requirements.

14. Sections 22.17, 22.18, and 22.19 are redesignated as §§ 22.14, 22.15, and 22.16, respectively, and § 22.20 is deleted.

15. Section 22.21 is redesignated § 22.17 and paragraph (a) thereof is amended by deleting "intent" at the end of the paragraph and substituting in lieu thereof "exportation".

16. Section 22.22 is redesignated § 22.18 and is amended as follows:

a. Footnotes 7 and 8 cited in and appended to paragraph (a) are redesignated footnotes 6 and 7, respectively.

b. Paragraph (b) is amended to read as follows:

(b) The procedure prescribed in this part as to the filing of an application for a rate of drawback and other required documents shall be followed, so far as applicable, in filing claims for drawback under this section, except that notices of lading on customs Form 7515 shall be filed in lieu of notices of exportation on customs Form 7511.

c. Paragraph (c) is amended to read as follows:

(c) Notices of lading on customs Form 7515 shall be filed in quadruplicate with the collector of customs at the port of lading prior to the lading of the articles. Each notice shall show the name of the vessel or identity of the aircraft on which the articles are to be laden, the number and kind of packages and their marks and numbers, the description of the articles and their weight (net), gauge, measure, or number, the name of the exporter, and the name of the port where the drawback entry is to be filed. The collector shall assign a number to each such notice of lading. After numbering, one copy of the notice of lading shall be returned to the exporter to be delivered to the master or an authorized officer of the vessel for certification thereon as to the receipt of the articles and the quantity laden. This copy shall be filed by the claimant with the drawback entry.

d. Paragraph (d) is redesignated paragraph (e) and amended by deleting "(e) to (g)" in the first line and substituting in lieu thereof "(f) to (h)".

e. A new paragraph (d) is inserted reading as follows:

(d) After the vessel has cleared or obtained a permit to proceed, the collector at the port of lading shall execute his certification on one of the copies of the notice of lading and return it, with one uncertified copy, to the exporter, or the person designated by the exporter, for subsequent filing with the drawback entry. If the vessel is not required to clear or obtain a permit to proceed to another port, the collector shall return two copies of the notice to the exporter, or to the person designated by the exporter, with a statement of the facts in the case for subsequent filing with the drawback entry. In such cases, the collector at the port where the drawback entry is filed shall require the claimant to furnish an itinerary of the vessel for the immediate voyage to determine whether the vessel is engaged in a class

of business or trade which warrants the allowance of drawback.

f. Paragraph (e) is redesignated paragraph (f) and amended to read as follows:

(f) Upon the lading of supplies upon an American vessel, they shall be entered by a representative of the vessel in a special bound stores log book of the vessel in ink or indelible pencil. The stores log book shall be kept on board the vessel available for customs inspection and use at any time, and shall contain the following information with respect to such supplies: port where laden; date of lading; notice of lading number; quantity and description.

g. Paragraph (f) is redesignated paragraph (g) and amended by deleting "intent" from the first and second sentences and substituting in lieu thereof "lading".

h. Paragraph (g) is redesignated paragraph (h) and amended to read as follows:

(h) If the supplies were laden on an American vessel, an affidavit of the master or other officer of the vessel who has knowledge of the facts, showing the class of business or trade in which the vessel on which the articles were laden as supplies was engaged at the time of lading and whether the supplies were entered in the stores log book as required by paragraph (f) of this section, shall be furnished in support of the drawback entry. Such affidavit may be executed on the copy of the "notice of lading" on which the master or other officer certifies as to the receipt and quantity of the articles laden, or be separately furnished, and shall be in substantially the following form:

I, _____ of the
(Master or other officer)
S. S. _____, declare that I have knowledge of the facts set forth herein; that certain articles covered by notice of lading No. _____, filed at the port of _____, which were laden on the above-named vessel at said port on _____, 19____, for use on board the vessel as supplies, _____entered in the stores log book; and (were or were not)
that at the time of lading of the articles, said vessel was engaged in the business or trade checked below:

1. Fisheries.
2. Whaling.
3. Trade between Atlantic and Pacific ports of the United States.
4. Trade between the United States and any of its possessions.
5. Foreign trade.

_____
(Name and title)

Sworn to before me this ____ day of _____, 19____.

_____

i. Paragraph (h) is redesignated paragraph (j).

j. Paragraph (i) is redesignated paragraph (k) and is amended by deleting "intent" from the "Declaration of Lading or Use" prescribed therein and substituting in lieu thereof "lading".

k. A new paragraph (i) is inserted reading as follows:

(i) If the notice of lading is filed subsequent to the lading of the supplies on an American vessel or if the affidavit required under paragraph (h) of this section does not show that the supplies were entered in the stores log book, drawback shall not be allowed until proof has been presented in the form of an affidavit of the master, or other officer of the vessel on which the supplies were laden having knowledge of the facts, that the supplies have been used on board the vessel and that no portion thereof has been landed in the United States or any of its possessions.

17. Section 22.23 is redesignated § 22.19.

18. Section 22.24 is redesignated § 22.20, and paragraph (b) is amended by deleting "bills of lading" and substituting in lieu thereof "notices of exportation". Footnote 9 cited in and appended to paragraph (d) is redesignated footnote 8.

19. Section 22.25 is redesignated § 22.21 and paragraph (a) is amended by deleting "shipper or consignor in the bill of lading under which domestic articles are exported" and substituting in lieu thereof "exporter in the collector's certification on the notice of exportation".

20. Section 22.26 is redesignated § 22.22 and footnotes 10, 11, and 12 cited therein and appended thereto are redesignated footnotes 9, 10, and 11, respectively. Redesignated footnote 11 is amended by deleting "or Kingman Reef." and substituting in lieu thereof "Kingman Reef, Canton Island, Enderbury Island, Johnston Island, or Palmyra Island."

21. Section 22.27 is redesignated § 22.23 and amended as follows:

a. Paragraph (a) is amended by adding a sentence at the end thereof reading as follows: "The 2-year period for the completion of drawback claims prescribed in § 22.13 (a) of this part shall not be applicable to claims for drawback under section 313 (d), Tariff Act of 1930, as amended."

b. C. D. 1361 shall be shown as a marginal citation opposite paragraph (a).

c. Paragraph (c) is amended by deleting "intent" in the first sentence and substituting in lieu thereof "exportation".

22. Sections 22.28 and 22.29 are redesignated §§ 22.24 and 22.25, respectively.

23. Section 22.30 is redesignated § 22.26 and is amended by deleting "bills of lading" from the first sentence of paragraph (a) and substituting in lieu thereof "notices of exportation", and by deleting "§ 22.27 (e)" from paragraph (b) and substituting in lieu thereof "§ 22.23 (e)".

24. Section 22.31 is redesignated § 22.27, and footnotes 13 and 15 cited therein and appended thereto are redesignated footnotes 12 and 13, respectively.

25. Section 22.32 is redesignated § 22.28, and footnote 16 cited therein and appended thereto is redesignated footnote 14.

26. Section 22.33 is redesignated § 22.29 and amended as follows:

a. Paragraph (c) is amended to read:

(c) The regulations in Part 18 as to supervision of lading and certification of exportation of merchandise withdrawn from warehouse for exportation without payment of duty shall be followed so far as applicable.

b. Paragraph (d) is amended to read:

(d) In order to complete the drawback entry, a bill of lading issued by the proper representative of the exporting carrier and covering the merchandise described in the entry shall be filed within 2 years after the date the merchandise is exported. The bill of lading shall show that the merchandise was shipped by the person making the drawback entry, or shall bear an endorsement of the person in whose name the merchandise was shipped showing that the person making entry is authorized to make it and to receive the drawback. The terms of the bill of lading may limit and define its use by declaring it to be for customs purposes only and not negotiable. If a copy of the original bill of lading is filed, it shall bear the signature of the person issuing it.

c. New paragraphs are added reading as follows:

(e) Neither a memorandum copy of the bill of lading issued by the transportation company nor a bill of lading bearing merely the initials of the representative of the transportation company shall be accepted in lieu of the bill of lading described above.

(f) Collectors of customs may issue on customs Form 4475 extracts from bills of lading filed with drawback entries.

(g) If the person making the drawback entry cannot produce the required bill of lading, he may submit in lieu thereof, through the collector to the Bureau, a sworn statement showing the cause of failure with such evidence of exportation and of his right to make the drawback entry as may be obtainable.

(h) A landing certificate, when required, shall be filed within the time prescribed in § 22.17 (c).

(Sec. 557, 46 Stat. 744, secs. 2, 22 (a), 23 (a), 52 Stat. 1077, 1087, 1088, sec. 624, 46 Stat. 759; 19 U. S. C. 1557, 1624)

27. Section 22.34 is redesignated § 22.30.

28. Section 22.35 is redesignated § 22.31 and footnote 17 cited therein and appended thereto is redesignated footnote 15. The said section is amended by deleting "§ 22.36 to § 22.39" therefrom and substituting "§ 22.32 to § 22.35".

29. Section 22.36 is redesignated § 22.32.

30. Section 22.37 is redesignated § 22.33 and paragraph (f) thereof is amended to read as follows:

(f) In order to complete the drawback entry, a bill of lading and a landing certificate, when required under § 22.17 (a), shall be filed in the manner and within the time prescribed in § 22.29 in the case of merchandise exported from continuous customs custody.

(Sec. 313, 46 Stat. 693, secs. 402, 403, 49 Stat. 1960, sec. 624, 46 Stat. 759; 19 U. S. C. 1313, 1624)

31. Sections 22.38, 22.39, 22.40, and 22.41 are redesignated §§ 22.34, 22.35, 22.36, and 22.37, respectively.

32. Footnote 18 cited in and appended to the centerhead "General Regulations Applicable to All Drawback Claims" between redesignated §§ 22.35 and 22.36 is redesignated footnote 16.

33. A new § 22.38 is inserted reading as follows:

§ 22.38 *Verification of drawback claims by Customs Agency Service.* Collectors shall cause drawback documents to be referred to the Customs Agency Service for verification whenever such reference is believed to be required for orderly and efficient administration of the drawback law and regulations, and occasionally in any case. Such verification shall include an examination of not only the manufacturing records but also the sales and financial records relating to the transaction.

(Sec. 313, 46 Stat. 693, secs. 402, 403, 49 Stat. 1960, sec. 624, 46 Stat. 759; 19 U. S. C. 1313, 1624)

34. Section 22.42 is redesignated § 22.39.

35. Section 22.43 is redesignated § 22.40 and amended by deleting the period after "Endorsements of exporters on bills of lading" and adding thereto "or notices of exportation".

These amendments shall be effective as to merchandise exported on and after April 1, 1952.

Customs Form 7511–A and B and 7515 have been revised to conform to the requirements of these amendments. Customs Form 7511–B is presently limited for use only at New York. Supplies of these forms may be purchased by interested parties from collectors of customs. Collectors shall requisition these forms in the regular manner.

Customs Forms 7573 (Drawback Entry For Exported Articles), 7575–A and B (Drawback Entry And Certificate Of Manufacture For Imported Merchandise), 7579 (Drawback Entry For Tax-paid Alcohol), and 7583 (Drawback Entry And Certificate Of Manufacture For Tax-paid Alcohol) may continue to be used pending the printing of revised forms but shall be modified appropriately.

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: December 21, 1951.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 51–15419; Filed, Dec. 29, 1951; 8:51 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter II—Mutual Security Agency

PART 201—PROCEDURE FOR FURNISHING ASSISTANCE TO PARTICIPATING COUNTRIES

MISCELLANEOUS AMENDMENTS

Pursuant to the Mutual Security Act of 1951 and Executive Order No. 10300, ECA Regulation 1, as amended, is redesignated MSA Regulation 1 as of December 30, 1951, and will continue in effect, with the following revisions and amendments:

1. Section 201.1 (a), (b), (c) and (d) are amended to read as follows:

§ 201.1 *Definition of terms.* For the purposes of this part:

(a) "The act" shall mean the Mutual Security Act of 1951, Pub. Law 165, 82d Cong.

(b) "MSA" shall mean the Mutual Security Agency.

(c) "The Director" shall mean the Director for Mutual Security.

(d) "Participating country" shall mean any country in which MSA has a program under the act, as well as any authorized agent of a participating country.

2. The beginning of § 201.21 (b) is amended to read as follows:

(b) *Scope.* This section establishes the procedures for compliance with section 112 (1) of the Economic Cooperation Act of 1948, as amended, which section applies to all purchases in bulk. * * *

3. The beginning of § 201.21 (c) is amended to read as follows:

(c) *Determination of adjusted market price.* Determination of the adjusted market price may be made by the Director in such manner as to reflect commonly accepted trade practices. In the case of purchases in bulk made outside the United States, the Director may determine that the purchase price complies with said section 112 (1) of the Economic Cooperation Act of 1948, as amended, if he determines that such price, plus cost of transportation and related charges from place of purchase to the participating country at established rates, does not exceed the market price prevailing in the United States (adjusted for differences in quality and terms of payment), plus cost of transportation and related charges at established rates to the participating country. * * *

4. The beginning of § 201.22 (a) (1) is amended to read as follows:

(1) Section 112 (1) of the Economic Cooperation Act of 1948, as amended, establishes an upper limit to the prices that may be approved by MSA for purchases in bulk of commodities (see § 201.21). * * *

5. The titles "MSA" and "The Director" are substituted for "ECA" and "The Administrator", respectively, wherever the latter titles appear in the regulation.

6. Section 201.25 is added to read as follows:

§ 201.25 *Continuation in effect of certain ECA issuances.* Participating country allotments, procurement authorizations, U. S. Government agency purchase requisitions, letters of commitment to banking institutions and letters of commitment to suppliers, issued by ECA under ECA Regulation 1, as amended, are reaffirmed and will continue in effect, subject to the terms and conditions thereof. Any certificate or writing in a form prescribed by or provided for by ECA Regulation 1, as in effect on December 29, 1951, or authorized by ECA on that date, or referring to an ECA Commodity Code number, may be used to satisfy the corresponding provisions of this part.

(Sec. 104, 62 Stat. 138, sec. 502, Pub. Law 165, 82d Cong.; 22 U. S. C. 1503. Interpret or apply secs. 111, 403, 62 Stat. 143, 159; 22 U. S. C. 1509, 1542)

W. A. HARRIMAN,
Director for Mutual Security.

[F. R. Doc. 51–15450; Filed, Dec. 29, 1951; 9:40 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter E—Administrative Provisions Common to Various Taxes

[T. D. 5377]

PART 458—INSPECTION OF RETURNS

INSPECTION OF INCOME, EXCESS-PROFITS, DECLARED VALUE EXCESS-PROFITS, CAPITAL STOCK, ESTATE, AND GIFT TAX RETURNS BY SENATE COMMITTEE ON ARMED SERVICES

§ 458.309 *Inspection of returns by Senate Committee on Armed Services.* (a) Pursuant to the provisions of sections 55 (a), 503, 603, 729 (a), and 1204 of the Internal Revenue Code (53 Stat. 29, 111, 171; 54 Stat. 939, 1003; 55 Stat. 722; 26 U. S. C. 55 (a), 503, 603, 729 (a), and 1204), and of the Executive order[1] issued thereunder, any income, excess-profits, declared value excess-profits, capital stock, estate, or gift tax return for any period to and including 1950 shall be open to inspection by the Senate Committee on Armed Services or any duly authorized subcommittee thereof, for the purpose of exercising a continuous watchfulness through a continuous study of all policies, programs, activities, operations, facilities, requirements, and practices of the Department of Defense, the Armed Services, and other agencies exercising functions relating to them, and the administration thereof.

The inspection of returns herein authorized may be made by the committee or a duly authorized subcommittee thereof, acting directly as a committee or as a subcommittee, or by or through such examiners or agents as the committee or subcommittee may designate or appoint in its written request hereinafter mentioned. Upon written request by the chairman of the committee or of the authorized subcommittee to the Secretary of the Treasury, giving the names and addresses of the taxpayers whose returns it is necessary to inspect and the taxable periods covered by the returns, the Secretary and any officer or employee of the Treasury Department shall furnish such committee or subcommittee with any data relating to or contained in any such return, or shall make such return available for inspection by the committee or subcommittee or by such examiners or agents as the committee or subcommittee may designate or appoint, in the office of the Commissioner of Internal Revenue. Any information thus obtained by the committee or subcommittee thereof shall be held confidential: *Provided, however,* That any portion or portions thereof relevant or pertinent to the purpose of the investigation

[1] See Title 3, Executive Order 10316, *supra.*

may be submitted by the committee to the United States Senate.

(b) Because of the immediate need of the said Senate Committee on Armed Services to inspect the tax returns herein mentioned, it is found that it is impracticable and contrary to the public interest to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(c) This section shall be effective upon its filing for publication in the FEDERAL REGISTER.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

Approved: December 29, 1951.

HARRY S. TRUMAN,
The White House.

[F. R. Doc. 51-15465; Filed, Dec. 29, 1951; 11:36 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XI—Division of Liquidation, Department of Commerce

[Supp. Order 189, Amdt. 5]

PART 1305—ADMINISTRATION

PRESERVATION OF RECORDS

Pursuant to the Emergency Price Control Act of 1942, as amended, Executive Orders Nos. 9809, 9841, and 9842, and Department of Commerce Order 75, as amended; *It is hereby ordered,* That section 1 of Supplementary Order 189 issued by the Administrator, Office of Price Administration, on October 23, 1946 (11 F. R. 12568), as amended on November 12, 1946 (11 F. R. 13442), November 6, 1947 (12 F. R. 7327), February 20, 1948 (13 F. R. 1262), and June 30, 1949 (14 F. R. 3707), be and it is hereby, further amended as follows:

1. The date January 1, 1953, is substituted for January 1, 1952, wherever the latter date appears in subsection (a).

2. Paragraph (2) of subsection (b) is amended to read as follows:

(2) (a) All persons from whose subsidy accounts payments are being withheld pending a final determination of entitlement thereto, under section 2 (e) of the Emergency Price Control Act of 1942, as amended.

(b) All persons who have failed to comply with a demand by any agency or instrumentality of the United States pursuant to section 2 (e) of the Emergency Price Control Act of 1942, as amended, for restitution of any subsidy payment.

(c) All other persons to whom notice to continue such preservation is mailed by any agency or instrumentality of the United States prior to March 1, 1952.

3. Paragraph (3) of subsection (b) is revoked.

(56 Stat. 23, as amended; 50 U. S. C. App. 901 et seq.; E. O. 9809, Dec. 12, 1946, 3 CFR, 1946 Supp.; E. O. 9841, April 23, 1947, 3 CFR, 1947 Supp.; E. O. 9842, April 23, 1947, 3 CFR, 1947 Supp.)

This amendment shall become effective January 1, 1952.

Dated: December 27, 1951.

CHARLES F. BRANNAN,
Secretary of Agriculture.
W. STUART SYMINGTON,
Administrator,
Reconstruction Finance Corporation.
LEO NIELSON,
Secretary,
Reconstruction Finance Corporation.
CHARLES SAWYER,
Secretary of Commerce.

Approved:

J. HOWARD MCGRATH,
Attorney General.
Department of Justice.

[F. R. Doc. 51-15442; Filed, Dec. 28, 1951; 4:29 p. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 17, Amdt. 1 to Supplementary Regulation 1]

CPR 17—GASOLINE, NAPTHAS, FUEL OILS AND LIQUEFIED PETROLEUM GASES, NATURAL GAS, PETROLEUM GAS, CASINGHEAD GAS AND REFINERY GAS

SR 1—SALES OF GASOLINE IN CERTAIN AREAS OF CALIFORNIA

RESELLERS OF LOS ANGELES "RACK PRICE GASOLINE" OUTSIDE LOS ANGELES BASIN

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Supplementary Regulation 1 to Ceiling Price Regulation 17 is hereby issued.

STATEMENT OF CONSIDERATIONS

The purpose of Supplementary Regulation 1 to Ceiling Price Regulation 17 was to rectify an unsatisfactory ceiling price situation in the Los Angeles Basin which had resulted from a prolonged price war that was terminating during the base period. The supplementary regulation confined its coverage to a specific geographical area. In doing so it failed to take into account a small percentage of "rack price gasoline", which is purchased at the rack in the Los Angeles Basin area, and then transported outside that area for sale either directly to retailers at service stations, or to bulk plants for resale to retail outlets.

To prevent ceiling prices from creating an economic situation which would disrupt normal supplies of gasoline, Supplementary Regulation 1 established the differential between the tank wagon price on deliveries in the Los Angeles Basin area and the rack price at 2.5¢ per gallon. In many cases this resulted in a reduction of differentials which had the result of raising the rack price of gasoline. However, when this "rack price gasoline", in the course of distribution, reaches areas outside the Los Angeles Basin, Supplementary Regulation 1 to Ceiling Price Regulation 17 ceases to be applicable, and the ceilings are set by Ceiling Price Regulation 17, which permits no pass through of this sort. This results in a squeeze on independent marketers reselling Los Angeles rack gasoline outside the Los Angeles Basin. This squeeze is measured by the extent that Supplementary Regulation 1 permitted an increase in "rack price gasoline" in the Los Angeles Basin.

Under this amendment resellers who purchase "rack price gasoline" that originates under the rack in the Los Angeles Basin may adjust their ceiling prices to pass on any increase in costs resulting from the issuance of Supplementary Regulation 1 to Ceiling Price Regulation 17, regardless of whether they sell within or without the Los Angeles Basin area. Prior to the issuance of this regulation the Director of Price Stabilization has consulted with Pacific Coast Wholesale Petroleum Industrial Advisory Committees, and has given consideration to their recommendations.

This amendment also adds a section to Supplementary Regulation 1 which incorporates therein all the provisions of Ceiling Price Regulation 17 that are not inconsistent with the supplementary regulation, such as the record-keeping, compliance, transportation and tax provisions.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization this amendment to Supplementary Regulation 1 to Ceiling Price Regulation 17 is generally fair and equitable and is necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Supplementary Regulation 1 to Ceiling Price Regulation 17 is amended in the following respects:

Section 1 is amended to read as follows:

SECTION 1. *Applicability of supplementary regulation.* This supplementary regulation sets specific prices for tank wagon sales of regular automotive and marine gasoline in the Los Angeles Basin area. It also sets a specific 2.5¢ differential on sales of "rack price gasoline" in the Los Angeles Basin area and permits resellers of "rack price gasoline" which originates under the rack in the Los Angeles Basin area to pass on to purchasers located within or without the Los Angeles Basin area, any increase in cost occasioned by the specific prices and differentials herein established.

2. Section 4 is amended to read as follows:

SEC. 4. *Rack gasoline.* (a) The ceiling price for each grade of gasoline f. o. b. refineries or refinery facilities to that class of purchaser buying "rack price gasoline" in the Los Angeles Basin area shall be 2.5¢ per gallon below the specified tank wagon ceiling price for quantities as established in section 3 of this regulation.

(b) The ceiling price of a refiner for "delivered-at-destination" sales of "rack price gasoline" originating in the Los Angeles Basin area shall be the f. o. b. ceiling price for such gasoline as established by paragraph (a) of this section plus the refiner's customary transportation charge.

(c) The ceiling price of resellers of "rack price gasoline" which originated under the rack in the Los Angeles Basin area shall be increased by the amount of increased cost of the product to the reseller resulting from increases in ceiling prices permitted their suppliers by this section, irrespective of the location of the sale within or without the Los Angeles Basin area.

Nothing in this regulation shall be construed as referring to cargo sales of gasoline.

3. A new section 5 is added to read as follows:

SEC. 5. *Applicable provisions of Ceiling Price Regulation 17.* Sellers subject to this supplementary regulation shall be subject to all provisions of Ceiling Price Regulation 17 not inconsistent with the provisions of this supplementary regulation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment 1 to Supplementary Regulation 1 to Ceiling Price Regulation 17 shall become effective January 3, 1952.

MICHAEL V. DISALLE,
Director of Price Stabilization.

DECEMBER 29, 1951.

[F. R. Doc. 51-15454; Filed, Dec. 29, 1951; 10:23 a. m.]

[General Ceiling Price Regulation, Amdt. 5 to Supplementary Regulation 13]

GCPR, SR 13—COKE, COAL CHEMICALS AND COKE OVEN GAS

EXTENSION OF EXPIRATION DATE

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Congress), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 5 to Supplementary Regulation 13 (16 F. R. 809) to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 13 to the General Ceiling Price Regulation, as amended, would expire, by its own terms, at midnight December 31, 1951. In setting this expiration date it was expected that a permanent regulation would have been prepared and issued on or before that date to replace the temporary regulation. However, due to unavoidable delays the permanent regulation has not been completed and it is now evident that additional time will be required for final preparation.

Therefore, it is deemed necessary to extend the supplementary regulation for a period of two months to permit further consideration of the proposed provisions and to assemble any additional information needed in completing the permanent regulation.

This amendment, as an interim measure, simply extends the expiration date to midnight February 29, 1952. Therefore, the provision of section 3 (a) permitting the producers to recover the increases in delivered cost of raw materials carbonized and processed does not apply to increases after December 31, 1951. Moreover, the provision of section 3 (c) limiting the operating margin to that of January 1, 1950–December 31, 1950, does not apply to periods after December 31, 1951.

In the judgment of the Director of the Office of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable the Director of Price Stabilization gave due consideration to the national defense effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950, as amended.

In formulating this amendment the Director has consulted with representatives of the industry, so far as practicable under the circumstances, and has given consideration to their recommendations.

AMENDATORY PROVISIONS

Supplementary Regulation 13 to the GCPR, as amended, is further amended in the following respects:

The last paragraph of the supplementary regulation is amended by deleting "December 31, 1951" and substituting "February 29, 1952", to read as follows:

Expiration date. This supplementary regulation and its amendments to the General Ceiling Price Regulation shall expire at midnight February 29, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 5 to Supplementary Regulation 13 to the General Ceiling Price Regulation shall become effective December 31, 1951.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

DECEMBER 29, 1951.

[F. R. Doc. 51-15457; Filed, Dec. 29, 1951; 10:23 a. m.]

[General Overriding Regulation 7, Amdt. 9]

GOR 7—EXEMPTION OF CERTAIN FOOD AND RESTAURANT COMMODITIES

RARE PACKAGED DOMESTIC WHISKEY

Pursuant to the Defense Production Act of 1950, as amended, (Pub. Law 774, 81st Cong., Pub. Law 96, 82nd Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 9 to General Overriding Regulation 7 is issued.

STATEMENT OF CONSIDERATIONS

Domestic whiskeys bottled before December 5, 1933 (effective date of the repeal of the prohibition amendment to the Constitution of the United States) are rare and generally considered to be collectors' items. Before price control, such whiskeys often sold at prices above those domestic whiskeys which moved in ordinary commercial channels. The quantity of those whiskeys available at the present time is very small and they usually appear on the market in sales involving the settlement of estates or in other private sales. In addition, such domestic whiskeys are of minor significance and have little or no effect upon the cost of living, the cost of the defense efforts, or the general current of industrial costs. In fact, this same commodity was exempted by the Office of Price Administration by virtue of Amendment 56 to Supplementary Order No. 132, dated September 9, 1946.

Therefore, this amendment adds domestic whiskeys bottled before December 5, 1933 to General Overriding Regulation (GOR) 7, an across-the-board regulation which exempts certain commodities from ceiling price restrictions imposed by the Office of Price Stabilization. In view of the nature of the commodity (as described above), this amendment will in no way defeat or impair the price stabilization program or the objectives of the Defense Production Act of 1950, as amended.

In formulating this amendment the Director of Price Stabilization, as far as was practicable, has consulted with interested persons in the industry and has given full consideration to their recommendations.

AMENDATORY PROVISIONS

GOR 7 is amended by adding a new section to read as follows:

SEC. 10. *Rare Packaged domestic whiskey.* No ceiling price regulation heretofore issued or which may hereafter be issued by the Office of Price Stabilization shall apply to sales of packaged domestic whiskey bottled prior to December 5, 1933. (The terms "packaged," "domestic" and "whiskey" are defined in Ceiling Price Regulation 78, the Basic Alcoholic Beverage Regulation.)

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154.)

Effective date. This amendment is effective January 3, 1952.

MICHAEL V. DISALLE,
Director of Price Stabilization.

DECEMBER 29, 1951.

[F. R. Doc. 51-15459; Filed, Dec. 29, 1951; 10:23 a. m.]

[General Overriding Regulation 14, Amdt. 5]

GOR 14—EXCEPTED SERVICES

INACTIVE ACCOUNTS OR DEPOSITS IN MARYLAND

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15

F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 5 to General Overriding Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 5 to General Overriding Regulation 14 exempts from ceiling price regulation the charges made against inactive deposits and inactive accounts by banks, trust companies and savings institutions in the State of Maryland to the extent permitted, and under the conditions prescribed, by Chapter 417 of the Laws of Maryland of 1951.

Before a charge may be made against these inactive deposits and accounts, they must have been abandoned for a period of ten years. Thereafter, these charges continue until the deposit or account is completely absorbed or until such time (20 years from the time the account or deposit becomes inactive) as the balance of the account or deposit is paid over to the State of Maryland. In addition, the Maryland statute provides for the repayment of such charges by the bank, trust company or savings institution to the depositor or his legal representative upon proper proof of identity until such time as the balance of the deposit or account, if any, is turned over to the Treasurer of the State of Maryland. Thus, these charges by the banks, trust companies or savings institutions are not final but may be set aside at any time before the 20-year period of inactivity elapses. It does not appear, therefore, that such charges result in an absolute diminution of the deposit or account or that there is a present impairment of savings which would have an adverse effect upon the cost of living and the financial well-being of the country. Furthermore, since this narrow exemption applies only to the extent permitted under Maryland law, this exemption is appropriate for reasons stated in the Statement of Considerations which accompanies the original issuance of General Overriding Regulation 14.

This amendment to General Overriding Regulation 14, as amended, was prepared after consultation with industry representatives and due consideration was given to their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 14, as amended, is further amended in the following respect:

Paragraph (a) of section 3 is amended by adding to the end thereof the following:

(95) Charges made against inactive deposits and inactive accounts by banks, trust companies and savings institutions in the State of Maryland to the extent permitted, and under the conditions prescribed, by Chapter 417 of the Laws of Maryland of 1951; provided that the amount of the charges remains reimbursable to the depositor upon demand until such time as the account or deposit is required by the Maryland law to be paid over to the Treasurer of the State, or, if the account or deposit shall be exhausted by such charges, then until such time as it would have been paid over had any balance then remained.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 5 to General Overriding Regulation 14 shall become effective December 29, 1951.

HAROLD LEVENTHAL,
Acting Director of Price Stabilization.

DECEMBER 29, 1951.

[F. R. Doc. 51-15460; Filed, Dec. 29, 1951; 10:23 a. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter B—Wage Stabilization Board

[General Wage Regulation 14, Amdt. 3]

GWR 14—BONUSES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), Executive Order 10233 (16 F. R. 3503), and General Order No. 3, Economic Stabilization Administrator (16 F. R. 739), General Wage Regulation No. 14 is amended by adding the following sentence at the end of section 2 (b): "The restrictions in (1) and (2) shall not apply to an established plan in which the total bonus is the sum of individual bonuses computed on the basis of a pre-determined relationship to the employees' length of service or wages or salaries."

Passed unanimously, December 19, 1951.

FREDERICK H. BULLEN,
Acting Chairman,
Wage Stabilization Board.

[F. R. Doc. 51-15451; Filed, Dec. 29, 1951; 9:41 a. m.]

RESOLUTIONS REGARDING POLICY DETERMINATIONS AND OTHER SUBSTANTIVE MATTERS

Statement of considerations. All Wage Stabilization Board Regulations have heretofore been published in the Federal Register as statements of substantive rules of the Board, having general applicability and legal effect. It has, however, been the Board's practice to formulate interim policies in resolution form and not to publish them until the policy had become sufficiently fixed so that it could be put into regulation form. Resolutions have also been used as a medium of administrative management, in the form of instructions to the staff, or as redelegations of authority. A few Resolutions were published because they either announced a definitive policy of the Board (e. g. Resolution 35 on enforcement) or redelegated authority under a specific Regulation (e. g. Resolution 37). Such Resolutions are republished herein unless they have become obsolete or have been incorporated into a subsequent Regulation.

The Board recognizes that some of its unpublished Resolutions which are primarily of an administrative nature may also contain statements of substantive or procedural policy which the public is entitled to know. Other Resolutions now in effect may interpret a Regulation, impose requirements additional to those stated in the Regulations, or generally state the method by which Board functions are channelled. For these reasons, the Board has decided to publish pertinent portions of all its current Resolutions, except those which relate solely to the internal management of the Agency or which constitute expressions of interim policy still subject to major revision.

The Resolutions can be grouped generally into two categories, (1) those delegating authority to subordinate officials or agencies, or otherwise dealing with procedural matters, and (2) those concerned primarily with substantive matters or policy determination. As the Resolutions were not drafted with that distinction in mind, it is recognized that some provisions in a Resolution which is included in one group might logically also be included in the other group. However, each Resolution appears here as a unit. The Resolutions which are primarily of a general procedural nature and not related to a specific Regulation are listed in numerical order, while the Resolutions in the second category are grouped under the Regulation to which they apply, or by subject matter. Material in a Resolution has been omitted only when it is not of current public interest.

In the formulation of these Resolutions, the Board has sought those objectives which guide it generally in its work—to prevent inflation and preserve the value of the national currency; to stabilize the cost of living and the costs of production; to prevent economic disturbances, labor disputes and interferences with the effective mobilization of our national resources; and to maintain and further a sound economy and sound working relations between its various segments. Due consideration has, in all cases, been given to the standards and procedures set forth in Title IV and Title VII of the Defense Production Act, as amended.

NOTE: For resolutions, regarding delegations of authority, see F. R. Doc. 51-15452 under Economic Stabilization Agency, Wage Stabilization Board, in Notices Section, *infra.*

Pursuant, therefore, to the Defense Production Act of 1950, as amended, (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161, 15 F. R. 6105, Executive Order 10233, 16 F. R. 3503 and General Order No. 3, Economic Stabilization Administrator, 16 F. R. 739, the following resolutions are hereby issued:

A. *GWR 6.* (See also Resolution 57 under D., "Fringe Items.")

RESOLUTION 30—BASE PAY PERIOD ABNORMALITY CASES

MAY 18, 1951.

[*Resolved:*] That petitions filed under General Wage Regulation 6, Section 4 (Base Pay Period Abnormalities) will be dealt with in the following manner:

1. *Seasonal establishments not in substantial operation on January 15, 1950.* a. Permission shall be granted to select as a base

period, the first payroll period after January 15, 1950, when employment reached 75 percent of the 1950 peak employment; provided that wage rates in effect at the end of the 1949 season are used in computing base period average earnings. Petitions in this category may be disposed of by the Executive Director.

b. In individual cases where the procedure described in 1 (a) is not appropriate, the following method will be considered: The base period for such plants will be the first payroll period after January 15, 1950, (a) when a balanced occupational composition was attained, or (b) when employment reached 75 percent of the 1950 peak employment, using wage rates then in effect for the purpose of computing base period earnings. The percentage of increase in cost of living between January 15, 1950, and the base period will be deducted from the 10 percent increase allowable under General Wage Regulation 6. Petitions in this category may be disposed of by the Executive Director.

2. *Plants established between January 15, 1950, and January 26, 1951.* The base period for any such plant will be the first payroll period (a) when a balanced occupational composition was attained, or (b) when employment reached 75 percent of the size at the time the petition was filed. The percentage of increase in cost of living between January 15, 1950, and the base period will be deducted from the 10 percent increase allowable under General Wage Regulation 6. Petitions in this category may be disposed of by the Executive Director.

3. *Establishments in which job classifications are substantially different from those in effect on January 15, 1950, because of conversion or other reasons.* The base period for such plants will be the first payroll period, after the new occupational classification and corresponding wage rates were introduced, (a) when a balanced occupational composition was attained, or (b) when employment reached 75 percent of the size at the time the petition was filed. The percentage of increase in cost of living between January 15, 1950, and the base period will be deducted from the 10 percent increase allowable under GWR 6. Petitions in this category may be disposed of by the Executive Director.

4. *Establishments which have experienced wide swings in employment since January 15, 1950, although the job classifications and methods of payment have not substantially changed.* Average straight-time hourly earnings for each job classification, as of January 15, 1950, will be weighted by the number of employees in each classification, as of the date of the application, if the Board is satisfied that this method will yield equitable results. Petitions in this category should be presented to a committee of the Board.

5. *Cases in which adjustments were made after January 15, 1950 to come in compliance with the 1949 Amendments to the Fair Labor Standards Act.* Adjustments made after January 15, 1950, to come in compliance with the 1949 amendments to the Fair Labor Standards Act may be incorporated into the base pay period level figures. Petitions in this category may be disposed of by the Executive Director.

6. Petitions filed under Regulation 6, section 4, not covered in paragraphs 1 through 5, will be considered by the Board on a case-by-case basis.

RESOLUTION 38—INCREASES REQUIRED BY THE FAIR LABOR STANDARDS ACT

JULY 12, 1951.

[*Resolved:*] That payments required for compliance with the increases in minimum rates established by the Fair Labor Standards Act of 1938, as amended, may be included, without specific Board approval, in the base pay period wage and salary levels specified by section 2 (a) and (c) of General Wage Regulation 6, including such payments made after the base pay period. Such payments need not be counted against the permissible increase under General Wage Regulation 6.

NOTE: GWR 3 authorizes increases in wages, etc., without Board approval, when necessary to bring such wages into compliance with the Fair Labor Standards Act, as amended.

RESOLUTION 71—INCENTIVE WAGE AND PIECE RATES

DECEMBER 5, 1951.

[*Resolved:*] Wage adjustments under General Wage Regulation 6 to appropriate employee units compensated under a piece rate or other incentive wage system may be based upon and applied to piece rates or to the base rates of incentive jobs in accordance with the following standards:

A. Where a system of piece rates is in effect:

(1) Such piece rates may be increased so that the average increase is not more than ten percent, or whatever lesser percentage is still available, of the piece rates in effect on January 15, 1950: *Provided*, That all piece rates applicable to a given job classification must be increased uniformly; or

(2) Side payments may be made to employees of ten percent, or whatever lesser percentage is still available, of their straight-time earnings in each pay period; or

(3) If a cents-per-hour increase has been instituted since the base pay period, which has been paid as a cents-per-hour side payment, it is permissible to discontinue such cents-per-hour side payment, to ignore such increase for offsetting purposes under General Wage Regulation 6, and to increase the piece rates in accordance with paragraph A (1) or (2) above.

B. Where an incentive system is in effect in which the total earnings are computed by the use of hourly base rates:

(1) Such base rates may be increased so that the average increase in base rates does not exceed 10 percent, or whatever lesser percentage is still available, of the base rates in effect on January 15, 1950; or

(2) Side payments may be made to employees of 10 percent, or whatever lesser percentage is still available, of their straight-time earnings in each pay period; or

(3) If a cents-per-hour increase has been instituted since the base pay period, which has been paid as a cents-per-hour side payment, it is permissible to discontinue the cents-per-hour side payment, to ignore such increase for offsetting purposes under General Wage Regulation 6, and to increase the base rates in accordance with paragraph B (1) or (2) above.

C. Other methods of incorporating general increases under General Wage Regulation 6 into piece or base rates require prior approval of the Wage Stabilization Board.

B. *GWR 6 and GWR 8 (Revised).*

RESOLUTION 60 (REVISED)—JOINT FILING BY UNIONS AND EMPLOYERS' ASSOCIATION OR BY ASSOCIATIONS WHERE NO COLLECTIVE AGENT EXISTS[1] ON A SAMPLE BASIS

SEPTEMBER 13, 1951.
AMENDED DECEMBER 6, 1951.

[*Resolved:*] The Board will permit members of a regularly constituted employers' association to give increases under General Wage Regulations 6 and 8 (Revised) based upon sample data provided that the employers' association and the collective bargaining agent, where such exists, file a report including the following:

1. *Statement of Justification.* The parties shall submit a joint statement of the factors which would make it a hardship to compute average straight-time hourly earnings for all employers and their employees in the unit. This should include such factors as: the number of firms or establishments involved, records, etc.

2. *Statement of Sampling Method:* The parties shall submit a joint statement of the manner in which the sample was chosen (and factors used in such selection). This should include such factors as: the number, names, and locations of the firms or establishments in the sample, the number of employees in each of these firms or establishments by job classification and any other facts relating the sample firms to the entire association membership.

3. *Certification:* The parties shall certify that in their opinion and based upon their knowledge of the industry, the sample results would not vary significantly from the earnings data for the entire association, and that the sample is representative of all wage levels and patterns of employment within the entire association membership.

RESOLUTION 61—USE OF ALTERNATE METHODS OF COMPUTING INCREASES UNDER GENERAL WAGE REGULATIONS 6 AND 8

SEPTEMBER 13, 1951.

[*Resolved:*] 1. The Wage Stabilization Board will entertain petitions for the use of alternate methods of computing permissible increases under General Wage Regulations 6 and 8 other than on an average hourly earnings basis, in situations where the earnings computation is not practical or would distort traditional or normal bargaining and wage structure relationships;

2. The Board delegates authority to the Executive Director to rule on groups of cases using alternate methods whenever an administrative rule has been developed;

3. The Executive Director shall submit to the Board the criteria developed (with illustrative cases) for approval of alternate methods of computation in specific industries or situations.

RESOLUTION 63 (REVISED)—USE OF CONTRACT OR SCALE RATES IN THE PRINTING INDUSTRY

SEPTEMBER 14, 1951.
AMENDED DECEMBER 6, 1951.

[*Resolved:*] Wage adjustments under General Wage Regulations 6 and 8 may be based upon and applied to contract or to scale rates in the printing trades provided they conform with the following standards:

A. The allowable adjustment shall be applied to the contract minimum job rates;

B. The allowable adjustment may be based upon and applied to the contract minimum rate for each occupation. The allowable adjustment may, however, be based upon and applied to "key" or "base" job classifications where all other related job classifications exceed the "key" or "base" job classification rate and where the same dollars-and-cents increase is applied to these job classifications.

C. Employees receiving above-scale or premium rates above the contract minimum will not be granted increases in dollars-and-cents in excess of the allowable percent adjustment applied to the contract minimum rates for their particular job or classification.

In the event that the appropriate unit comprises an established employers' association of employers who have traditionally determined together their wage rates, the records required under GWR 6 and 8 may be a single record based upon a copy of the appropriate collective bargaining agreement or wage schedule instead of individual records or a sample of the association membership: *Provided, however,* That the agreement or wage schedule covers and applies to all association members. This resolution shall

[1] This resolution applies only to associations of employers who have traditionally determined together their wage and salary rates.

not be construed as permitting employers who became members of the Association subsequent to January 25, 1951, to be entitled to an increase in excess of the amount permissible to them under General Wage Regulation 6.

RESOLUTION 68 (REVISED)—GENERAL WAGE REGULATIONS 6 AND 8 APPLIED TO MULTI-EMPLOYER BARGAINING NEGOTIATIONS

NOVEMBER 9, 1951.
AMENDED DECEMBER 6, 1951.

[*Resolved:*] The Board will entertain petitions involving wage adjustments under General Wage Regulations 6 and 8 (Revised) in situations (a) in which a union or unions conduct negotiations with several employers or employer groups or regularly constituted employers' association(s) in an industry or area and (b) in which uniform contracts negotiated as a result of such negotiations have traditionally contained uniform wage rates or wage rates which differ only by established categories of location or type of establishment and (c) in which all employers participating in the negotiations agree to make uniform wage adjustments and other employers who sign uniform agreements with the union also agree to, or have committed themselves to, the same wage adjustments.

1. The amount of the allowable adjustment for all employers covered by the uniform contracts in the industry or area may be calculated on the straight-time average hourly earnings of the employer or employer group which has traditionally established such basic rates: *Provided, however,* That the petition certifies that the earnings data are representative of the appropriate employee unit in the establishments covered by the uniform agreements.

2. After such petition has been acted upon by the Board, the amount approved may also be granted by all other firms or establishments covered by the uniform agreements provided they traditionally have made uniform wage adjustments in amounts equal to those agreed upon by the petitioners under 1 above, and provided that they comply with the record-keeping requirements contained in General Wage Regulations 6 and 8 (Revised).

C. *GWR 11—Agricultural Labor.*

RESOLUTION 37 (AMENDED)—IMPLEMENTING GENERAL WAGE REGULATION 11, AGRICULTURAL LABOR

JUNE 29, 1951.

[*Resolved that:*] In order to provide an efficient administration of the stabilization function with respect to agricultural labor, General Wage Regulation 11 shall be implemented as follows:

1. There shall be a standing tripartite committee of the National Wage Stabilization Board operating on behalf of the Board which shall concern itself with the policies appropriate to the regulation of agricultural wages.

2. In each of the designated regions (see attached map),[1] and such other regions as the Board may later determine, there shall be a standing tripartite committee of the Regional Board operating on behalf of the Regional Board to apply the policies of the National Wage Stabilization Board with reference to agricultural wages. Among the functions of the Regional Board will be the establishment of area ceilings for agricultural wages. Where area ceilings are to be established, hearings will be conducted by the tripartite Committee of the Regional Board. The area wage determinations of the Regional Board will be subject to such policies and procedures as the National Board may establish for the review of the Regional Board decisions.

3. A staff officer of the National Board shall be designated to perform those functions necessary to the administration of the policies adopted by the National Board.

4. A staff officer of the Regional Board shall be designated to perform those functions necessary to the administration of the program adopted by the Regional Board.

5. Staff officers at the area level shall be appointed as needed to provide for the adjustment of individual farm rates consistent with policies and procedures adopted by the National and Regional Boards.

[1] The map designates the following regions as those in which tripartite committees of Regional Boards are presently being established: Regions I, II and III combined (Maine, Vermont, New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Delaware, Pennsylvania); Region V (Florida, Mississippi, Alabama, Georgia, South Carolina, Tennessee); Region VII (Indiana, Illinois, Wisconsin); Region VIII (Minnesota, North Dakota, South Dakota, Montana); Region XI (Colorado, Wyoming, Utah, New Mexico); Region XII (Arizona, California, Nevada); and Region XIII (Washington, Oregon, Idaho).

D. *GWR 13—Fringe Items.*

RESOLUTION 40—FRINGE ITEMS

* * * * *

JULY 12, 1951.
AMENDED AUGUST 22, 1951.
AMENDED SEPTEMBER 20, 1951.

[*Resolved:*] 1. That the Wage Stabilization Board will act upon petitions for approval of fringe benefits which do not exceed prevailing industry or area practice either as to amount or type.

2. That in administering such Regulation, the staff be authorized within the limits set forth in Paragraph 1, to approve petitions which involve paid vacations, paid holidays, premium pay relative to days or hours of work, call-in pay, reasonable increases in amount or type of reimbursement to individuals for usual and recurring expenses arising out of and directly connected with the job, where industry and area practice is not important and such other fringe items as the Board may from time to time determine.

3. That pending further study, the staff refer to a Division of the Board, or to the Review and Appeals Committee, for its decision petitions involving items not specified in Paragraph 2, petitions involving two or more items specified in Paragraph 2, and petitions in which the proof that the request conforms to prevailing industry or area practice is not clear.

4. That the Board review the cases processed by the staff from time to time, with a view to determining, in the light of experience, the extent to which the authority granted to the staff should be limited in terms of cost or otherwise, or should be expanded in any way.

5. That Paragraph 1 of this resolution be put in the form of a General Wage Regulation to be promulgated after consultation with the Administrator.

NOTE: See GWR 13.

RESOLUTION 57—FRINGE ITEMS

AUGUST 23, 1951.

Whereas the Wage Stabilization Board has provided in General Wage Regulation 13 the standards and procedure for permissibility of certain fringe benefits for paid vacations, paid holidays, premium pay relative to days and hours of work, shift differentials, and call-in pay, and,

Whereas certain employers have, subsequent to January 25, 1951, introduced or improved such fringe benefits under the provisions of General Wage Regulation 6 or other regulations of the Wage Stabilization Board, and,

Whereas confusion and inequities may exist as a result of such practices or as a result of the exemption of such practices from Regulation 6 on or before January 25, 1951; [*Resolved that:*]

1. GWR 13 provides the standard upon which such fringe benefits may be hereafter inaugurated or improved;

2. Employers who have inaugurated or improved any such fringe benefit within the standards of area or industry practice subsequent to January 25, 1951, and before the date of this resolution, under the terms of GWR 6, may petition the Board for the elimination of the cost of such inauguration or improvement from the amount chargeable against the permissible general wage increase under GWR 6;

3. In any instance where an employer, or an employer and union, as the case may be, has since January 1, 1950, voluntarily adopted a general wage increase specifically in lieu of, or as a substitute for, any one or more of the fringe benefits set forth above, and

(a) such substitution was contained in a collective bargaining agreement, or was formally determined and communicated to the employees, or was otherwise recorded in written form; and

(b) such substitution reflects a departure from a previously established practice of conforming to area or industry increases or rates,

such party or parties will not normally be permitted to provide such fringe benefits in addition to the substituted general wage increase. Petitions in such cases may, however, be presented to the Board for such decision as may be considered proper on the basis of all the circumstances involved, including the period for which the substitution was intended.

NOTE: On September 25, 1951, the Board instructed the Staff that fringe items covered by Section 1 of GWR 13 may not be put into effect through an unexpended balance available under GWR 6, but must receive prior Board approval in accordance with the standards set out in GWR 13.

NOTE: Resolution 40 lists an additional fringe item which the Board has determined comes within the coverage of GWR 13.

RESOLUTION 59—INSTRUCTIONS TO STAFF AND REGIONAL BOARDS FOR APPLYING GWR 13

SEPTEMBER 12, 1951.

[*Resolved:*] 1. In passing upon requests for approval of fringe adjustments under GWR 13 submitted on the basis of comparable "area practice" or "industry practice" the Board will use as a standard for comparison the practice of that grouping of establishments most appropriate to the preservation of historical, traditional or otherwise normal patterns of adjustment.

2. "Area practice" means the practice prevailing in varied industries within a particular local area, or in a geographic section, or Nation-wide, as the Board deems most appropriate. The standard of area practice will normally be used as the standard of comparison for the requested adjustments.

3. "Industry practice" means a substantially uniform practice followed by a number of establishments in an industry operating in a particular local area, or in a geographic section, or Nation-wide. The standard of industry practice may be used in appropriate cases for a plant which is considered to be a part of the particular industry.

4. As a general rule, a prior Board determination of "industry practice" will not be affected by any adjustments subsequently approved on the basis of "area practice"; likewise, a prior Board determination of "area practice" will not be affected by any adjustments subsequently approved on the basis of "industry practice."

E. *Improvement factors.*

RESOLUTION 22—ANNUAL IMPROVEMENT FACTOR (AMENDED)

JUNE 6, 1951.
AMENDED AUGUST 30, 1951.

* * * * * *

[*Resolved:*] 1. That the staff be authorized to process * * * the General Motors-UAW agreement and similar cases involving agreements executed prior to January 26, 1951 where the employer warrants that the wage increase will not be used as the basis of a request for a price increase; and

2. That such cases involving agreements of shorter duration than the GM-UAW agreement, including agreements of less than two years' duration, shall be referred to a Division of the Board or the Review and Appeals Committee. The Division of the Board, or the Review and Appeals Committee, in acting upon such cases, will take into consideration whether approval of the increase would have an unstabilizing effect.

RESOLUTION 23—PRICE WARRANTY IN PRODUCTIVITY INCREASE CASES

JUNE 12, 1951.

[*Resolved:*] No increase in wages, salaries and other compensation shall be approved pursuant to the Board Resolution of June 6, 1951 [Resolution 22], dealing with productivity increases, unless the employer shall have executed the following warranty:

"The undersigned employer warrants that he will not use any increase in wages, salaries and other compensation, approved by the Wage Stabilization Board in Case No. _____ pursuant to the Board Resolution of June 6, 1951, as a basis for requesting an adjustment or resisting a reduction in any price ceiling."

F. *Deferred increases.*

RESOLUTION 43—DEFERRED INCREASES

JULY 20, 1951.
AMENDED AUGUST 22, 1951.

Whereas wage negotiations under free collective bargaining at times result in an agreement to defer all or part of a wage increase, and

Whereas numerous agreements calling for deferred increases in wages, salaries and other compensation were completed on or before January 25, 1951, many of them prior to September 8, 1950, the date of the Defense Production Act, and

Whereas Congress has directed that in stabilizing wages, full consideration and emphasis should be given, so far as practicable, on "the maintenance and furtherance of sound working relations, including collective bargaining."

[*Resolved:*] 1. That the Wage Stabilization Board will approve deferred increases in wage, salary, and other compensation, provided for in collective bargaining agreements entered into or otherwise communicated to the employees concerned on or before January 25, 1951 (provided that the Board finds that the proposed increase will not have an unstabilizing effect).

2. That pending further instructions, the staff be authorized to approve petitions involving deferred increases in wages, salaries, and other compensation provided for in collective bargaining agreements entered into, or otherwise communicated to the employees concerned, prior to September 8, 1950, provided that any increase which appears to be unreasonable either as to amount or otherwise will be referred to the Board for decision.

3. That all petitions for approval of deferred increases, other than those provided for in Paragraph 2 above, be analyzed and brought before a Division of the Board, or before the Review and Appeals Committee, for decision. The Division of the Board, or the Review and Appeals Committee, in acting upon such petitions, will take into consideration (a) the circumstances under which the increase was agreed to, or otherwise announced, and (b) circumstances indicating whether or not approval of the increase would have an unstabilizing effect.

4. That this resolution be submitted to the Economic Stabilization Administrator for approval, and that thereafter, on the basis of experience in administering the resolution, an appropriate general wage regulation, embodying the policy contained in this resolution, be adopted and promulgated by the Board.

G. *Incentive wage and piece rates.*

RESOLUTION 70—WAGE INCENTIVES

NOVEMBER 19, 1951.

[*Resolved:*] A. That the Wage Stabilization Board and Regional Boards will act upon petitions for the approval of new piece work or incentive wage plans or revisions of existing plans (excluding those covered by General Wage Regulation 15) for individuals or for particular groups within a plant in accordance with the following criteria:

1. The petitioner(s) shall submit a description of the methods by which the standards have been established.

2. The petitioner(s) shall furnish evidence of the standards or production records applicable to a significant proportion of the jobs or employees to be covered by the plan and certify that the same procedures will be followed in extending the plan to other jobs or employees.

3. Incentive plans shall normally result in no increase in unit labor cost unless it can be otherwise demonstrated that the resulting expected level of earnings will not be unstabilizing and will not create intra-plant inequities.

4. The plan must provide an earnings opportunity to the individual or incentive group while working on incentive of at least 15 percent above the day, or hourly, rate for the job.

5. The plan must have adequate provisions for the correction and maintenance of the standards or rates.

6. The plan must contain minimum wage guarantees which shall be described along with any other pay practices used in connection with the plan.

7. Where a plan is initially approved, such approval will cover a period of three months from the date of approval. At the end of that period, a report covering the operation of the plan shall be filed. This report shall show the effect of the plan upon average hourly earnings. It shall also state the effect upon production compared with past performance. The plan shall be considered as finally approved by the Board unless the parties are otherwise notified within thirty (30) days after receipt of the report.

B. The National Board and the Regional Boards will also consider, on a case-by-case basis, petitions for the approval of other types of plans (including plant-wide plans) or plans which are based upon criteria differing from those set forth above.

H. *Miscellaneous.*

RESOLUTION 45—WAGES IN ESTABLISHMENTS ENGAGED IN SEASONAL CANNING, PACKING, FREEZING AND DEHYDRATING OF PERISHABLE FRUITS AND VEGETABLES

JULY 26, 1951.

The Wage Stabilization Board resolves that for the 1951 canning and packing season, establishments engaged in the seasonal canning, packing, freezing and dehydrating of perishable fruits and vegetables may, without prior approval of the Board, pay rates which maintain 1950 differentials between the wages paid by such establishments and agricultural wages in the same area. Employers shall report within thirty days to the nearest office of the Wage and Hour Division of the Department of Labor adjustments made pursuant to this resolution.

The Regional Directors of the Board shall review promptly reports made under the provisions of the preceding paragraph. Where wage adjustments have been made which do not conform to the provisions of this resolution, Regional Directors shall report the facts to the Board.

RESOLUTION 67—INTERIM HEALTH AND WELFARE POLICY

OCTOBER 30, 1951.

[*Resolved:*] That pending final action on the health, welfare and pension report, that a Board Committee or Division of the Board be allowed to act by unanimous action on health and welfare cases where:

1. The company has a plan it wishes to extend to other geographical units;

2. The company has a plan it wishes to extend to smaller units within the same plant; or

3. The company requests approval of minor improvements in an existing plan which result in de minimis changes in benefit levels.

RESOLUTION 69—EQUAL PAY FOR EQUAL WORK

NOVEMBER 15, 1951.

Whereas it is the policy of the Wage Stabilization Board to exercise its functions so as to obtain maximum production for National defense and civilian needs, and to preserve and promote sound working relations; and

Whereas the principle of equal pay for equal work is recognized as being an integral part of a sound program seeking full utilization of all our available manpower during this present emergency.

[*Resolved:*] 1. That the Wage Stabilization Board will approve increases in wages, salaries and other compensation granted to equalize wages, salaries and other compensation, for comparable quality and quantity of work on the same or similar operations in the same establishment, without regard to sex, race, color or national origin; provided, that where work has been rearranged or lightened, "proportionate rates for proportionate work," based on job analysis, shall be permitted:

2. That pending further instructions, the staff be authorized to approve petitions to equalize wages or salaries paid for comparable quality and quantity of work; provided, that any case in which the evidence does not substantiate that the quality or quantity of work is comparable or that the operations are the same will be referred to the Board for decision.

3. That this resolution shall not be used as the basis for approving changes in rates based upon inter-plant or intra-plant inequities.

4. That this resolution be submitted to the Economic Stabilization Administrator for approval, and that, thereafter, on the basis of experience in administering the resolution an appropriate general wage regulation embodying the policy contained in this resolution, be adopted and promulgated by the Board.

RESOLUTION 73—MONDAYS BEFORE CHRISTMAS AND NEW YEAR'S DAY AS PAID HOLIDAYS

DECEMBER 6, 1951.
AMENDED DECEMBER 19, 1951.

[*Resolved:*] That employers may, at their discretion, give their employees as additional days off with pay the Mondays before Christmas 1951 and New Year's Day 1952, as well as Christmas and New Year's Day, without regard to past practice in this respect and without offset against the amount available for future wage or salary increases under General Wage Regulation 6.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

NOTE: The record keeping and reporting requirements of these resolutions have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

FREDERICK H. BULLEN,
Acting Chairman,
Wage Stabilization Board.

[F. R. Doc. 51-15453; Filed, Dec. 29, 1951; 9:42 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-6A, Schedule 2]

M-6A—STEEL DISTRIBUTORS

SCHEDULE 2—EARMARKED STOCKS—OIL COUNTRY CASING, OIL COUNTRY TUBING, AND OIL COUNTRY DRILL PIPE

This schedule to NPA Order M-6A is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of the Defense Production Act of 1950, as amended. In the formulation of this schedule, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. This schedule is issued under NPA Order M-6A and is made a part of that order.

Sec.
1. What this schedule does.
2. Definitions.
3. Distributor deliveries.
4. Item limitation.
5. Canadian distributor deliveries.
6. Communications.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *What this schedule does.* This schedule prohibits deliveries of oil country casing, oil country tubing, and oil country drill pipe, by steel distributors except pursuant to authorized controlled material orders. It also removes item limitations with respect to the acceptance of such authorized controlled material orders by steel distributors.

SEC. 2. *Definitions.* All definitions contained in NPA Order M-6A are applicable to this schedule.

SEC. 3. *Distributor deliveries.* No steel distributor (except steel distributors located in the Dominion of Canada) shall make delivery of, nor shall any person accept delivery from any steel distributor of, any oil country casing, oil country tubing, or oil country drill pipe, unless such delivery is made pursuant to an authorized controlled material order.

SEC. 4. *Item limitation.* The provisions of section 6 of NPA Order M-6A shall not be applicable to authorized controlled material orders for oil country casing, oil country tubing, or oil country drill pipe, placed with a steel distributor.

SEC. 5. *Canadian distributor deliveries.* Deliveries of oil country casing, oil country tubing, and oil country drill pipe, will be made by Canadian steel distributors pursuant to instructions issued by the Canadian Government through its Department of Defence Production.

SEC. 6. *Communications.* All communications regarding this schedule shall be addressed to the National Production Authority, Washington 25, D. C., Ref.: M-6A, Schedule 2.

This schedule shall take effect January 1, 1952.

Issued December 28, 1951.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 51-15438; Filed, Dec. 28, 1951; 2:08 p. m.]

[NPA Order M-68, Amdt. 1]

M-68—PASSENGER CARS

This amendment to NPA Order M-68, as previously amended September 11, 1951, is found necessary and appropriate to promote the national defense and is issued under the authority granted by the Defense Production Act of 1950, as amended. In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Section 3 of NPA Order M-68, as amended September 11, 1951, is hereby further amended by deleting in the ninth line thereof the words "during the fourth calendar quarter of 1951", and substituting therefor the words "during the first calendar quarter of 1952", and by inserting the word "initially" between the words "been" and "distributed" in the eleventh line thereof, so that section 3 shall read as follows:

SEC. 3. *Scope of order.* This order does not establish authorized levels of production. However, allotments of controlled materials and authorized production schedules issued by NPA under the Controlled Materials Plan limit by number the passenger cars that a person may manufacture for civilian and commercial purposes during the first calendar quarter of 1952. The authorized production schedules so issued reflect, and have been initially distributed in accordance with, the percentages of industry set forth in Schedule A of this order.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment, issued December 28, 1951, shall take effect January 1, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 51-15439; Filed, Dec. 28, 1951; 2:08 p. m.]

[NPA Order M-70, Amdt. 1]

M-70—MARINE MAINTENANCE, REPAIR, AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS

This amendment to NPA Order M-70, as amended October 1, 1951, is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950, as amended. In the formulation of this amendment consultation with industry representatives has been rendered impracticable due to the necessity for immediate action.

This amendment is issued pending a complete revision of NPA Order M-70. This amendment affects NPA Order M-70 as last amended October 1, 1951, by extending all of the provisions of that order to cover the first calendar quarter of 1952 and by changing the cost limitation set forth in paragraph (1) of section 2 from $750 to $1,000.

NPA Order M-70, as amended October 1, 1951, is hereby amended as follows:

1. All references to the words "fourth calendar quarter of 1951" in sections 1, 3, paragraph (c) of section 4, section 5, and paragraph (b) of section 6, are changed to read "first calendar quarter of 1952."

2. The cost limitation of "$750" appearing in the definition of "minor capital additions" in line 6 of paragraph (1) of section 2 is changed to "$1,000."

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect January 1, 1952.

Issued December 28, 1951.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 51-15440; Filed, Dec. 28, 1951; 2:08 p. m.]

[NPA Order M-6 and Directions 1, 2, and 3, Revocation]

M-6—STEEL DISTRIBUTORS

NPA Order M-6 and Directions 1, 2, and 3 to said order are hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-6 or under Directions 1, 2, or 3 to said order as originally issued or as amended from time to time, nor deprive any person of any rights received or accrued under said order as amended or directions prior to the effective date of this revocation.

Steel distributors are now subject to the provisions of NPA Order M-6A.

This revocation is effective January 1, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 51-15466; Filed, Dec. 29, 1951; 11:50 a. m.]

[NPA Order M-25, Direction 1, Revocation]

M-25—CANS

DIR. 1—DETERMINATION OF ADJUSTMENT

Direction 1 to NPA Order M-25, as issued March 12, 1951, and as amended May 1, 1951, is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under said Direction 1, nor deprive any person of any rights received or accrued under said Direction 1 prior to the effective date of this revocation.

This revocation is effective January 1, 1952.

NATIONAL PRODUCTION AUTHORITY,
BY JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 51-15467; Filed, Dec. 29, 1951; 11:50 a. m.]

[NPA Order M-25, Direction 3]

M-25—CANS

DIR. 3—DETERMINATIONS OF ADJUSTMENT FOR 1952

This direction under NPA Order M-25 is found necessary and appropriate to promote the national defense and is issued pursuant to section 101 of the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

Sec.
1. Effect of this direction.
2. Type of case where applicable.
3. Direction.
4. Conditions.
5. Modification or revocation of individual adjustments.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *Effect of this direction.* This Direction 3 to NPA Order M-25 (hereinafter called "this direction") provides a standard with respect to can quotas for the first, second, and third calendar quarters of 1952 in accordance with which, if applicable to his operations, a packer may make a determination of adjustment without making an application for adjustment to NPA. References in this direction to NPA Order M-25 mean NPA Order M-25 as now or hereafter amended, and any term which is defined or used in NPA Order M-25 and used in this direction, including the term "amount of cans," shall have the same definition or meaning in this direction as in NPA Order M-25. The provisions of paragraphs (b) and (c) of section 3 of this direction afford packers the same benefits and privileges for 1952 as are afforded by paragraphs (a) and (b), respectively, of section 3 of Direction 1 as amended May 1, 1951, to NPA Order M-25, and by the second proviso in section 7 of NPA Order M-25. This direction accordingly revokes Direction 1 to NPA Order M-25, and therefore, notwithstanding the second proviso in section 7 of NPA Order M-25, no determination of adjustment pursuant to said Direction 1 may be made by any packer on or after January 1, 1952.

SEC. 2. *Type of case where applicable.* This direction applies to those cases where a packer was packing in cans less than the customary volume of a particular product during the first, second, or third calendar quarter of his selected base calendar year.

SEC. 3. *Direction*—(a) *As to first quarter of 1952.* Instead of using as a first quarter packing base the amount of cans which he used for packing a particular product during the first quarter of his selected base year as provided in section 6 (b) of NPA Order M-25, a packer may use as a first quarter packing base an amount of cans determined by dividing by 4 the amount of cans which he used for packing such product during the calendar year which he selects as his base year. Every packer relying on such determination shall continue to use the same during the succeeding quarters of the calendar year 1952, unless otherwise ordered by NPA. Such computed quarterly packing bases are subject to the applicable quota percentage limitations in each quarter.

(b) *As to second quarter of 1952.* Instead of using as a second quarter packing base the amount of cans which he used for packing a particular product during the second quarter of his selected base year as provided in section 6 (b) of NPA Order M-25, a packer may use as a second quarter packing base an amount of cans determined by dividing by 3 the amount of cans which he used for packing such product during the last 3 quarters of the calendar year which he selects as his base year. Every packer relying on such determination shall continue to use the same during the succeeding quarters of the calendar year 1952, unless otherwise ordered by NPA. Such computed quarterly packing bases are subject to the applicable quota percentage limitations in each quarter.

Illustration. The packer selects 1950 as his base year. During the last three calendar quarters of the year 1950 he used a total of 18,000 base boxes for packing product X. The result of dividing by 3 is 6,000 base boxes. If product X is permitted a percentage quota of 100 percent under Schedule I of NPA Order M-25 during the second quarter of 1952, the packer using this direction may use a maximum of 100 percent of 6,000 base boxes during said quarter, and if the percentage quota is continued at 100 percent during a succeeding quarter, the packer may use a maximum of 100 percent of 6,000 base boxes during such succeeding quarter. If, however, the percentage quota is changed for a succeeding quarter to 70 percent, then the packer may use during such succeeding quarter a maximum of only 70 percent of 6,000 base boxes, or 4,200 base boxes.

(c) *As to third quarter of 1952.* Instead of using as a third quarter packing base the amount of cans which he used for packing a particular product during the third quarter of his selected base year as provided in section 6 (b) of NPA Order M-25, a packer may use as a third quarter packing base an amount of cans determined by dividing by 2 the amount of cans which he used for packing such product during the last 2 quarters of the calendar year which he selects as his base year. Every packer relying on such determination shall continue to use the same during the fourth quarter of the calendar year 1952, unless otherwise ordered by NPA. Such computed quarterly packing bases are subject to the applicable quota percentage limitations in each quarter.

SEC. 4. *Conditions.* Any determination of adjustment made pursuant to this direction is subject to the following conditions:

(a) There shall be applied against the amount of cans, as determined under section 3 of this direction, the quota percentage at any time applicable for the particular product as set out in Schedule I of NPA Order M-25.

(b) Every person relying on any such determination shall prepare a detailed written record of the facts relating to the application of the determination to his operations and preserve the same.

(c) A copy of such record shall be promptly transmitted to NPA upon its request.

(d) Such record shall be made available at the person's usual place of business for inspection and audit by duly authorized representatives of NPA.

SEC. 5. *Modification or revocation of individual adjustments.* NPA reserves the right to modify or revoke any individual adjustment made pursuant to this direction by mailing notice of such modification or revocation to any person whose adjustment is being modified or revoked. NPA may amend or revoke this direction and by so doing modify, with respect to subsequent calendar quarters of 1952, all adjustments made hereunder.

This direction shall take effect January 1, 1952.

Issued December 29, 1951.

NATIONAL PRODUCTION AUTHORITY,
BY JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 51-15463; Filed, Dec. 29, 1951; 11:50 a. m.]

[NPA Order M-45, Schedule 3, Revocation]

M-45—ALLOCATION OF CHEMICALS AND ALLIED PRODUCTS

SCHED. 3—SULFURIC ACID

REVOCATION

Schedule 3 to NPA Order M-45 is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under Schedule 3 to NPA Order M-45, nor deprive any person of any rights received or accrued under that schedule prior to the effective date of this revocation.

Sulfuric acid is now subject to NPA Order M-94.

This revocation is effective January 1, 1952.

Issued December 29, 1951.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 51-15469; Filed, Dec. 29, 1951; 11:50 a. m.]

[NPA Order M-47A, Direction 1, Revocation]

M-47A—USE OF IRON AND STEEL, COPPER, AND ALUMINUM IN CERTAIN CONSUMER DURABLE GOODS AND RELATED PRODUCTS

DIR. 1—FILING OF CMP-4B APPLICATION FORMS COVERING MANUFACTURE DURING THE FOURTH QUARTER OF PRODUCTS SUBJECT TO NPA ORDER M-47A

Direction 1 to NPA Order M-47A is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under Direction 1 to NPA Order M-47A, nor deprive any person of any rights received or accrued under that direction prior to the effective date of this revocation.

This revocation is effective January 1, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 51-15470; Filed, Dec. 29, 1951; 11:50 a. m.]

[NPA Order M-47A, Direction 2, Revocation]

M-47A—USE OF IRON AND STEEL, COPPER, AND ALUMINUM IN CERTAIN CONSUMER DURABLE GOODS AND RELATED PRODUCTS

DIR. 2—STATUS OF ADJUSTMENTS GRANTED UNDER NPA ORDERS M-47, M-7, AND M-12

Direction 2 to NPA Order M-47A is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under Direction 2 to NPA Order M-47A, nor deprive any person of any rights received or accrued under that direction prior to the effective date of this revocation.

This revocation is effective January 1, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary,

[F. R. Doc. 51-15471; Filed, Dec. 29, 1951; 11:51 a. m.]

[NPA Order M-51 and Schedule 1, Revocation]

M-51—GLASS CONTAINERS; SIMPLIFICATION AND USE

SCHED. 1—GLASS CONTAINERS; SIMPLIFIED DESIGNS

REVOCATION

NPA Order M-51 and Schedule 1 of that order are hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-51 or under Schedule 1 of that order, nor deprive any person of any rights received or accrued under said order or said schedule prior to the effective date of this revocation.

This revocation is effective December 29, 1951.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 51-15472; Filed, Dec. 29, 1951; 11:51 a. m.]

[NPA Order M-62, as Amended December 29, 1951]

M-62—HORSEHIDES, HORSEHIDE PARTS, GOATSKINS, CABRETTAS, SHEEPSKINS, SHEEPSKIN PARTS, SHEARLINGS, KANGAROO SKINS, AND DEERSKINS

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to section 101 of the Defense Production Act of 1950, as amended. In the formulation of this order as amended, consultation has been had with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all the trades and industries affected by this order has been rendered impracticable because it affects a substantial number of different trades and industries.

This amendments affects NPA Order M-62 (as last amended October 1, 1951) as follows:

1. The table of contents and statement of authority are amended;
2. Sections 1 and 3 are amended by deleting references to certain hides, parts, and skins, and by extending the processing limitations on a quarterly basis for those hides, parts, and skins remaining subject to this amended order;
3. Section 4 is amended to conform with the new paragraph designations in section 3;
4. Section 8 is amended in minor respects and redesignated section 5;
5. Sections 5, 6, and 7 are amended in minor respects and are incorporated in the redesignated section 6; and
6. Sections 9 and 10 are amended in minor respects and redesignated sections 7 and 8, respectively.

NPA Order M-62 as so amended, reads as follows:

Sec.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *What this order does.* The purpose of this order is to conserve and provide for an equitable distribution, through the normal channels of distribution, of the hides and skins affected hereby so as best to serve the interests of national defense. This order limits the number of certain hides, parts, or skins, listed in paragraph (a) of section 3 of this order which a tanner may put into process or a contractor may cause to be put into process. This order also requires reports on the processing of certain hides, parts, and skins, regardless of whether they are subject to the processing limitations of this order.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes agencies of the United States or any other government.

(b) "Tanner" means a person engaged in the business of tanning, dressing, or similarly processing hides or skins who, during the 12-month period commencing January 1, 1950, put into process 12,000 or more goatskins, sheepskins, skivers, or fleshers, or 1,200 or more horsehides, horsehide fronts, horsehide butts, horsehide shanks, cabrettas, shearlings, kangaroo skins, or deerskins, or who, in any calendar month after the original effective date of this order, puts into process any such hides or skins in quantities equal to one-twelfth or more of the amounts specified in this paragraph with respect to each type of hide or skin.

(c) "Contractor" means a person engaged in the business of causing hides and skins to be tanned, dressed, or similarly processed, for his account in any tannery not owned or controlled by him, who during the 12-month period commencing January 1, 1950, caused to be put into process for his account 12,000 or more goatskins, sheepskins, skivers, or fleshers, or 1,200 or more horsehides, horsehide fronts, horsehide butts, horsehide shanks, cabrettas, shearlings, kangaroo skins, or deerskins, or who, in any calendar month after the original effective date of this order, causes to be put into process for his account any such hides or skins in quantities equal to one-twelfth or more of the amounts specified in this paragraph with respect to each type of hide or skin.

(d) "Horsehide" means the hide or skin of a horse, colt, mule, ass, donkey, or pony, except dry pony hides to be processed for furs.

(e) "Horsehide front" means the forepart of the hide or skin of a horse, colt, mule, ass, donkey, or pony, commercially known in the trade as a "front," whether or not still attached to other parts of the hide or skin.

(f) "Horsehide butts" and "horsehide shanks" mean those parts of a horse commercially so known, whether or not still attached to other parts of the horsehide.

(g) "Goatskin" means the skin of a goat or kid in the raw or in the pickle, except when processed for fur purposes.

(h) "Cabretta" means the skin of a hair sheep in the raw or in the pickle.

(i) "Sheepskin" means the skin of a wool sheep or wool lamb, in the raw or in the pickle, and includes slats.

(j) "Slat" means a sheepskin imported into the continental United States in the dried, untanned condition, which has no wool or hair, or which has wool or hair less than one-fourth inch in length, such wool or hair lacking any commercial value.

(k) "Skivers" means the grain side of a split sheepskin.

(l) "Flesher" means the flesh side of a split sheepskin.

(m) "Shearling" means any sheepskin which has been sheared shortly before slaughter, on which the wool remains, and which is to be used for leather or for fur purposes (including mouton).

(n) "Kangaroo skin" means the skin of an Australian or Tasmanian kangaroo or wallaby in the hair or in the pickle, except when processed for fur purposes.

(o) "Deerskin" means the skin of any domestic or foreign deer, and includes the skin of the elk, moose, and caribou.

(p) "Put into process" means:

(1) In the case of raw skins or hides, the first step in the conversion of such skins or hides into leather at a tannery or in the conversion of mouton into fur.

(2) In the case of semi-tanned skins, the first step in the conversion of such skins into leather.

(3) In the case of pickled skins, the first step beyond the pickle in the conversion of such skins into leather.

(q) "Raw skins or hides" means skins or hides from which the hair or wool has not been removed.

(r) "Semi-tanned skins" means skins that have been imported in a tanned but not a finished condition, including skins imported "in the rough", "in the crust", "in the white", "in the blue", or "in the pearl."

(s) "Pickled skins" means skins from which the hair or wool has been removed and which have been pickled in a salt or other solution for preservation prior to tanning.

(t) "Base period" means the 12-month period ending December 31, 1950.

(u) "NPA" means National Production Authority.

SEC. 3. *Limitations on processing of hides and skins.* (a) No tanner shall put into process and no contractor shall cause to be put into process during the calendar quarter commencing January 1, 1952, and during each calendar quarter thereafter, a total number of any of the following types of hides, parts, or skins, in excess of 135 percent of the average quarterly (calendar) number of each such type put into process by him or for his account during the base period:

Kangaroo skins.	Sheepskins.
Imported goatskins.	Shearlings.
Cabrettas.	

(b) In the case of each type of skin listed in paragraph (a) of this section, the ratio of raw, semi-tanned, and pickled skins, respectively, to the total number of skins of such type so put into process shall be the same as the ratio of raw, semi-tanned, and pickled skins, respectively, to the total number of skins of such type put into process during the base period.

(c) Raw skins shall not be processed beyond the pickled stage, whether or not they are actually processed through the pickled stage, except in the same proportion as they were so processed during the base period.

(d) Notwithstanding the provisions of paragraph (a) of this section, if during the calendar quarter commencing January 1, 1952, or during any calendar quarter thereafter, a tanner or contractor puts or causes to be put into process less than the total number of hides, parts, and skins, respectively, permitted under paragraph (a) of this section, he may put or cause to be put into process during the next succeeding calendar quarter only, an additional number of hides, parts, and skins, as the case may be, equal to the difference between such lesser number thereof put into process and the number thereof permitted to be put into process during that respective quarter pursuant to paragraph (a) of this section.

(e) Notwithstanding the provisions of paragraph (a) of this section, if during the calendar quarter commencing October 1, 1951, a tanner or contractor put or caused to be put into process a total number of any of those hides, parts, or skins listed in paragraph (a) of this section less than 135 percent of the average quarterly (calendar) number of each such type put into process by him or for his account during the base period, he may put or cause to be put into process during the calendar quarter commencing January 1, 1952, only, an additional number of such hides, parts, and skins, respectively, equal to the difference between such lesser number and such average quarterly number.

SEC. 4. *Exemption.* The provisions of paragraphs (a), (b), (d), and (e) of section 3 of this order shall not apply to the operations of a wool puller.

SEC. 5. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 6. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Every contractor shall report to NPA each month on Form NPAP–72, his wettings and raw stock, and every tanner shall report to NPA each month on such form, his wettings and raw stock, if any, and his leather production for each calendar month, as well as all other information as may be asked for by such form. Information shall be furnished regardless of whether the processing limitations of this order are applicable. Such form shall be filed with NPA on or before January 10, 1952, and on or before the 10th day of each month thereafter.

(d) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 7. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M–62.

SEC. 8 *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

NPA Order M–62, as so amended, issued December 29, 1951, shall take effect January 1, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 51–15473; Filed, Dec. 29, 1951; 11:51 a. m.]

[NPA Order M–69 as Amended December 29, 1951]

M–69—SULFUR

This order, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950, as amended. In the formulation of this order, as amended, there has been consultation with industry representatives and consideration has been given to their recommendations. Since there is no trade association in this industry, consultation with trade association representatives was not possible.

NPA Order M–69 is amended in its entirety to read as follows:

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on use.
4. Restrictions on sales and deliveries.
5. Certification.
6. Directives.
7. Exemption.
8. Limitations on inventory.
9. Records and reports.
10. Request for adjustment or exception.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951; 16 F. R. 8789.

SECTION 1. *What this order does.* This order restricts the quantity of sulfur which any person may use to 90 percent of his use during the calendar year 1950. This restriction applies on a company, rather than a plant, basis. If, however, NPA finds that interplant transfers of sulfur by any company have caused severe maldistribution of any material produced from sulfur, NPA will take appropriate remedial action. In addition, this order prohibits suppliers from delivering sulfur to purchasers who do not furnish written certification of compliance with its provisions.

SEC. 2. *Definitions.* As used in this order: (a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or of any other government.

(b) "Sulfur" means elemental sulfur (brimstone) which has been mined, recovered, or otherwise produced, of a purity of 97 percent or greater.

(c) "Supplier" means any person who produces or imports sulfur for sale or for his own use.

(d) "Base period" means the year ended December 31, 1950.

(e) "Toll agreement" means any agreement or arrangement by which title to the material remains vested in a person other than the one processing such material.

(f) "NPA" means the National Production Authority.

SEC. 3. *Restrictions on use.* (a) Subject to the provisions of paragraph (b) of this section, no person shall use sulfur for any purpose during the month of January 1952, or during any calendar month thereafter, in a quantity by weight in excess of 90 percent of his average monthly use of sulfur for such purpose during the base period.

(b) If in any calendar month a person uses less sulfur than he may use in that month under paragraph (a) of this section, he may use an additional amount during the next succeeding 5 months equal to the difference between the amount authorized and the amount actually used.

(c) In addition to the quantity of sulfur which may be used under paragraph (a) of this section, sulfur mined or recovered by means of facilities or equipment installed and in production no earlier than June 24, 1950, may be used for any purpose (including processing under a toll agreement) during any calendar month. Such sulfur may be used in accordance with this paragraph (c) only by the person who mines or recovers it, or who owns the material from which it is recovered.

SEC. 4. *Restrictions on sales and deliveries.* No person shall sell or deliver sulfur to any other person if he knows, or has reason to believe, that such material is to be used in violation of the provisions of this order, and no person shall purchase or accept delivery of sulfur if such material is to be used in violation of the provisions of this order.

SEC. 5. *Certification.* No person shall sell or deliver more than 20 tons of sulfur to any other person, and no person shall purchase or accept delivery of sulfur, unless the purchaser furnishes to the seller a signed certification as follows:

Certified under NPA Order M–69

This certification constitutes a representation by the purchaser to the seller and to NPA that delivery of such sulfur may be accepted by the purchaser under this order, and will not be used by the purchaser in violation of the order.

SEC. 6. *Directives.* NPA may, from time to time, issue specific directives concerning the delivery and use of sulfur and, unless otherwise provided therein, such directives will prevail over the provisions of this order.

SEC. 7. *Exemption.* The provisions of paragraph (a) of section 3 of this order shall not apply to the use by any person of no more than 20 short tons of sulfur during any calendar month.

SEC. 8. *Limitations on inventory.* (a) In addition to the provisions of NPA Reg. 1, relating to inventory control, it is considered that a more exact requirement applying to users of sulfur is necessary. No person shall receive sulfur at any plant if his inventory at such plant is, or by such receipt would become, in excess of his requirements for the next succeeding 25 calendar days at his currently scheduled rate and method of operation, or in excess of a practicable minimum working inventory (as defined in NPA Reg. 1), whichever is less.

(b) The provisions of paragraph (d) of section 5 of NPA Reg. 1, relating to seasonal deliveries, shall not apply to sulfur, except that any person whose inventory at any plant does not exceed his requirements for the next succeeding 25 calendar days, and who during the base period regularly received sulfur shipped by vessel or barge in quantities in excess of his requirements for the next succeeding 25 calendar days, may receive sulfur shipped by vessel or barge at such plant without regard to the provisions of paragraph (a) of this section: *Provided,* That after receipt of any such shipment he may not receive any additional delivery of sulfur so long as his inventory continues to exceed his requirements for the next succeeding 25 calendar days.

SEC. 9. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139f).

SEC. 10. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or ex-

ception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 11. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M-69.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order, as amended, shall take effect on January 1, 1952.

Issued December 29, 1951.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 51-15474; Filed, Dec. 29, 1951; 11:51 a. m.]

[NPA Order M-72, as Amended December 29, 1951]

M-72—CHEMICAL WOOD PULP

This order, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950 as amended. In the formulation of this amended order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M-72 in the following respects:

1. It adds an alternative period for the computation of "Base consumption" in paragraph (e) of section 2;

2. It revises the inventory provisions of section 4, incorporates a new Schedule A, and adds a new paragraph (e) to section 7;

3. It changes the proviso of paragraph (a) of section 5 permitting carry-over adjustments for pulp not used in any quarter by limiting such carry-over to 10 percent;

4. It revises paragraphs (a), (b), and (c) of section 6 to show reserve production percentages by grade in a new Schedule B and to make certain other changes;

5. It revises paragraph (d) of section 6 to effect a change in the reporting procedure. This also necessitates a change in section 7 by revising paragraph (d), and relettering the present paragraph (e) as paragraph (f);

6. It revises section 10 slightly to conform to current standard policy, incorporates section 11 in section 10, and redesignates section 12 as section 11; and

7. It incorporates the substance of Direction 1 to NPA Order M-72 in the revised inventory provisions, and therefore Direction 1 is revoked.

As amended, NPA Order M-72 reads as follows:

SEC.
1. What this order does.
2. Definitions.
3. Relation to other NPA orders and regulations.
4. Inventories.
5. Limitation on consumption.
6. Reserve production.
7. Reports.
8. Applications for adjustment or exception.
9. Communications.
10. Records.
11. Violations.

AUTHORITY: Sections 1 to 11 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *What this order does.* This order sets forth limitations on inventories of market chemical wood pulp. It also limits the consumption of market chemical wood pulp to 95 percent of 1950 use so that the anticipated decreased supply may be distributed equitably through normal channels of distribution. In order to assure the maximum production of paper and paper products and to spread the supply of pulp fairly throughout the industry, this order also provides for a 3 percent production reserve of chemical wood pulp manufactured by integrated mills and of captive chemical wood pulp.

SEC. 2. *Definitions.* As used in the order: (a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Chemical wood pulp" means all grades of wood pulp, whether bleached or unbleached, produced by the sulfite, sulfate, or soda processes for any type of wood. It does not mean semichemical, groundwood, defibrated, or exploded wood fiber pulps, or screenings from any process.

(c) "Market chemical wood pulp" means any chemical wood pulp which is sold, purchased, or otherwise exchanged between two persons irrespective of where such transactions take place, excluding captive chemical wood pulp.

(d) "Captive chemical wood pulp" means any chemical wood pulp produced by a person in the United States or elsewhere and consumed by or subject to the disposition of the same person or a person under the same ownership or control at a separate geographical location in the United States. Such captive pulp becomes market pulp when sold or otherwise transferred to a person not affiliated with its producer.

(e) "Base consumption" means one-quarter of that quantity of market chemical wood pulp used by a person during the calendar year 1950 in the manufacture of paper and paperboard: *Provided, however,* That if any person prefers to take as his base consumption, instead of the quantity provided above, that quantity of market chemical wood pulp used by such person during the first calendar quarter of the year 1951 in the manufacture of paper and paperboard, such person may elect to take such alternative quantity as his base consumption. Any person making such election shall so notify NPA in writing prior to the first quarter with respect to which such election is made. After such election has been made, it may not thereafter be changed without the prior written approval of NPA.

(f) "Producer" means any person who manufactures chemical wood pulp or any person who controls, through a foreign affiliate, deliveries of chemical wood pulp, captive or market, in the United States.

(g) "Production" means a producer's production of chemical wood pulp, his deliveries of chemical wood pulp, captive or market, in the United States from a foreign affiliate, or both.

(h) "NPA" means National Production Authority.

SEC. 3. *Relation to other NPA orders and regulations.* All provisions of any NPA regulation or any other order which are inconsistent with this order are superseded, but in all other respects such regulations and other orders shall continue to apply. Nothing in this order shall be deemed to remove wood pulp from List A of NPA Reg. 2.

SEC. 4. *Inventories.* Commencing December 29, 1951, no person who consumes market chemical wood pulp shall receive or accept delivery of any quantity of such pulp if his inventory of such pulp (including that on hand and that stored for his account) is, or by such receipt or delivery would become, greater than the supply authorized by Schedule A of this order, or in excess of a "practicable minimum working inventory" as defined in NPA Reg. 1, whichever is less, to the nearest carload: *Provided, however,* That the inventory restrictions of this order shall not apply to nitrating grades of dissolving pulp for ordnance purposes. All other provisions of NPA Reg. 1 relative to inventory control will apply to chemical wood pulp except as modified by this order.

SEC. 5. *Limitation on consumption.* (a) Commencing July 1, 1951, no person shall consume, put into process, or otherwise use for the manufacture of paper or paperboard, an amount of market chemical wood pulp in any calendar quarter greater than 95 percent of his base consumption: *Provided, however,* That if a person's actual consumption of such ma-

terial in any calendar quarter subsequent to October 1, 1951, falls below 95 percent of his base consumption, he may in the next succeeding calendar quarter use an additional amount equivalent to such deficiency, but such additional amount shall in no event exceed 10 percent of his base consumption. In the event that an exception is granted in accordance with section 8 of this order establishing a new or different base consumption, the 10 percent limitation on carry-over of unused consumption may be computed on this new base, but an exception which grants a special increase of consumption for one quarter does not constitute a change of base and therefore does not increase the allowable carry-over.

(b) A person who both consumes and sells market chemical wood pulp may consume all or part of the pulp that he is required by paragraph (b) of section 6 to offer for sale provided he reduces his consumption of market chemical wood pulp by an equivalent amount below the consumption otherwise authorized by this section. (See example following section 6 (f)).

SEC. 6. *Reserve production.* (a) For the calendar quarter beginning July 1, 1951, and for each calendar quarter thereafter, each producer shall reserve a percentage of his estimated production of each grade of chemical wood pulp, including deliveries of captive chemical wood pulp, equal to the percentage designated in Schedule B of this order: *Provided, however,* That any producer who manufactures several grades of chemical wood pulp, may file a written application with NPA requesting authorization to concentrate his reserve production in one or more grades of such pulp.

(b) If, however, in the first quarter of 1951, such producer delivered a percentage of his total production of chemical wood pulp to unaffiliated persons in the United States, he shall, except as qualified by paragraph (b) of section 5 of this order, offer for sale the same percentage of his total estimated production of chemical wood pulp in each calendar quarter, in amounts of each grade in proportion to his deliveries of each grade in the first quarter of 1951, and the reserve production required by this section shall apply, by grade, to the balance of his estimated production for the quarter.

(c) Each producer shall, during the month preceding the calendar quarter to which the reserve production requirement applies, and until the fifteenth day of the third month of such quarter, offer for sale to persons in the United States authorized by this order to consume market chemical wood pulp, a tonnage not less than the amount of such producer's reserve production as determined under this section.

(d) On the fifth day of each calendar month, beginning January 5, 1952, each producer shall report to NPA his reserve production on Form NPAF–140 as instructed thereon. Any consumer of market chemical wood pulp unable to obtain his minimum operating requirements may, at any time prior to the fifteenth day of the final month of each calendar quarter, request from NPA the names of producers with unsold reserve production. At any time up to and including the fifteenth day of the final month of the quarter, any reserve balances that a producer has not sold must be sold pursuant to such directives as NPA may issue with respect thereto: *Provided, however,* That tonnages directed on or after the first day of the final month of the quarter shall not exceed one-third of the total quarterly reserve of any producer. Any reserve balances which, after the fifteenth day of the final month of the quarter, have not been sold or which have not been covered by a directive from NPA are released and may be used or otherwise disposed of by a producer.

(e) Any chemical wood pulp which a producer sells in any calendar quarter pursuant to this order shall be shipped as nearly as practicable pro rata over such quarter, and all shipments shall be completed not later than the last day of the calendar quarter to which the reserve production requirement applies.

(f) A producer who also consumes market chemical wood pulp may retain and use all or part of his reserve production provided he reduces by an equivalent amount his consumption of market chemical wood pulp below the amount he is authorized to consume by section 5 of this order.

Example showing application of sections 5 (b), 6 (b), and 6 (f): The A B C Paper Company consumed, in 1950, 12,000 tons of market chemical wood pulp and 16,000 tons of bleached sulfate produced by its subsidiary, the X Y Z Pulp Company. In the first quarter of 1951, it sold 20 percent of the X Y Z Pulp Company's total production of bleached sulfate. It estimates that, for the third quarter of 1951, its production of bleached sulfate at X Y Z Pulp Company will total 5,000 tons.

For the third quarter of 1951, the A B C Paper Company has the following options:

(1) It may consume 2,850 tons of market chemical pulp (95 percent of average quarterly consumption in 1950), sell 1,120 tons of bleached sulfate produced at X Y Z (20 percent of its estimated total production plus 3 percent of balance), and consume the remaining 3,880 tons of X Y Z's estimated production. (Estimated production of 5,000 tons less sales of 1,120 tons.)

(2) It may withdraw entirely from the sale of bleached sulfate, consume 5,000 tons of X Y Z's production (3,880 tons plus 1,120 tons), and reduce its consumption of market chemical pulp to 1,730 tons (2,850 tons minus 1,120 tons).

(3) It may withdraw from sale any amount of bleached sulfate up to 1,120 tons reserved and reduce its consumption of market chemical pulp by an equivalent amount.

(g) If, in any calendar quarter, a producer's actual production of any grade of chemical wood pulp is more or less than his estimated production for purposes of paragraphs (a) and (b) of this section, such producer's reserve production for the succeeding calendar quarter must be increased or may be decreased by the amount of such differences.

SEC. 7. *Reports.* (a) Every producer or consumer of wood pulp shall report each month his production, transfer, shipments, receipts, consumption, and inventory of pulpwood, wood pulp, waste paper, and other fibers on Census Forms M–14A and M–14E.

(b) Every consumer of wood pulp in the manufacture of paper and paperboard shall also report his consumption of all grades of wood pulp, waste paper, and other fibres for the year 1950 as instructed by NPA.

(c) Every producer who imports or controls the disposition of imported chemical wood pulp, captive or market, shall also report his receipts and deliveries to others of all grades of such pulp in the United States for each month commencing January 1, 1951, and monthly thereafter as instructed by NPA.

(d) A producer shall report to NPA on the fifth day of each month on Form NPAF–140 the information required by paragraph (d) of section 6 of this order in accordance with the instructions on that form.

(e) Every consumer of market chemical wood pulp shall report on Form NPAF–156 his estimated consumption of market chemical wood pulp during the first 6 months of 1952 in accordance with the instructions accompanying that form.

(f) All persons subject to this order shall make such other reports to the NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139f).

SEC. 8. *Applications for adjustment or exception.* Any person affected by any provision of this order may file with NPA a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 9. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–72.

SEC. 10. *Records.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use of chemical wood pulp of all grades, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm

or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of NPA, at the usual place of business where maintained.

SEC. 11. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amended order shall take effect December 29, 1951.

Direction 1 to NPA Order M-72, dated August 10, 1951, is hereby revoked on the effective date of this amended order.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

SCHEDULE A OF NPA ORDER M-72

AUTHORIZED INVENTORIES OF MARKET CHEMICAL WOOD PULP

EFFECTIVE DECEMBER 29, 1951, TO JUNE 1, 1952.

North American Market Chemical Wood Pulp

(1) Bleached sulphite (including dissolving) Unbleached sulphite Bleached sulphate (including dissolving) Soda	45 days' supply (one-fourth of estimated combined consumption[1] of these grades during the first 6 months of 1952).
(2) Unbleached sulphate	60 days' supply (one-third of estimated consumption[1] of this grade in the first 6 months of 1952).

Northern European Market Chemical Wood Pulp

(3) Bleached sulphite (including dissolving) Unbleached sulphite Bleached sulphate (including dissolving) Unbleached sulphate Soda	120 days' supply (two-thirds of estimated combined consumption[1] of these grades in first 6 months of 1952).

Between March 1, 1952, and June 1, 1952, inventories of European market chemical wood pulp are to be adjusted to conform to the schedule effective June 1, 1952.

EFFECTIVE JUNE 1, 1952

North American and Northern European Market Chemical Wood Pulp[2]

(1) Bleached sulphite (including dissolving) Unbleached sulphite Bleached sulphate (including dissolving) Soda	45 days' supply (one-fourth of consumption of all of these grades combined, from any source, in the first 6 months of 1952).
(2) Unbleached sulphate	60 days' supply (one-third of consumption of all of this grade from any source, in first 6 months of 1952).

[1] NOTE: Combined estimates of consumption, used in calculating authorized inventories, must not exceed overall consumption rate authorized by NPA Order M-72.

SCHEDULE B OF NPA ORDER M-72
RESERVE PRODUCTION REQUIREMENT

Grade	*Percent*
Dissolving pulp	3
Bleached sulphite paper grades	3
Unbleached sulphite	3
Bleached and semibleached sulphate	3
Soda	3
Unbleached sulphate	3

[F. R. Doc. 51-15475; Filed, Dec. 29, 1951; 11:51 a. m.]

[NPA Order M-94]

M-94—SULFURIC ACID

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950, as amended. In the formulation of this order there has been consultation with industry representatives and consideration has been given to their recommendations. Since there is no trade association in this industry, consultation with trade association representatives was not possible.

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on use by supplier.
4. Exemption.
5. Certified statement of proposed use.
6. Limitations on inventory.
7. Directives.
8. Records and reports.
9. Request for adjustment and exception.
10. Communications.
11. Violations.

AUTHORITY: Sections 1 to 11 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *What this order does.* The purpose of this order is to prevent serious maldistribution of sulfuric acid by compelling producers to maintain the same ratio between sales and captive use of their total production of sulfuric acid which they maintained in the calendar year 1950. The effect of this order will be to require each producer to offer for sale each month a percentage of his scheduled monthly production of sulfuric acid equal to the percentage thereof which he sold in 1950, unless otherwise authorized by the National Production Authority. Schedule 3 of NPA Order M-45 is revoked simultaneously with the issuance of this order.

SEC. 2. *Definitions.* As used in this order: (a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or of any other government.

(b) "Sulfuric acid" means all grades, strengths, and qualities of sulfuric acid, both virgin and fortified, and includes oleum and recovered or spent acid.

(c) "Sulfur-bearing raw materials" does not include sulfuric acid which is usable for any purpose other than for decomposition to sulfur dioxide (SO_2).

(d) "Supplier" means any person who produces sulfuric acid for his own use or for sale, or who accepts physical delivery of sulfuric acid for redelivery as such with or without concentration or refinement in any month to any person in an amount in excess of 20 tons (basis 100 percent H_2SO_4), or who purchases sulfuric acid for his own use and delivers recovered or spent sulfuric acid resulting from such use.

(e) "Base period" means the year ended December 31, 1950.

(f) "NPA" means the National Production Authority.

SEC. 3. *Restrictions on use by supplier.* Unless otherwise authorized by NPA, no supplier shall use from his production of sulfuric acid (basis 100 percent H_2SO_4) during the month of January 1952, or during each calendar month thereafter, a percentage of such monthly production in excess of the percentage of his base period production of sulfuric acid (basis 100 percent H_2SO_4) which he used during the base period.

SEC. 4. *Exemption.* The provisions of section 3 of this order shall not apply to sulfuric acid which has been:

(a) Produced from elemental sulfur mined or recovered by the producer by means of facilities or equipment installed and in operation no earlier than June 24, 1950; or

(b) Produced from sulfur-bearing raw materials other than elemental sulfur by means of facilities or equipment installed and in operation no earlier than June 24, 1950.

SEC. 5. *Certified statement of proposed use.* (a) No supplier shall deliver to any person and no person shall accept delivery from a supplier during the month of January 1952, or during any calendar month thereafter, of a quantity of sulfuric acid in excess of 20 tons (basis 100 percent H_2SO_4) unless the purchaser has entered on or attached to his purchase order a statement of his proposed use or uses of the sulfuric acid, and the amount requested for each separate use, together with a signed certification as follows:

Certified under NPA Order M-94

Such certification constitutes a representation by the purchaser to his supplier and to NPA that the material so ordered will be used only for the purpose or purposes set forth in such statement and that the purchaser will comply with the provisions of this order restricting inventory.

(b) A statement of proposed use shall not be required for the participation by a broker or sales agent when sulfuric acid is ordered through a broker or sales agent and is to be delivered by the supplier direct to the purchaser. In such cases the purchaser shall furnish the broker or sales agent with the certified statement and the broker or sales agent shall transmit the statement to the supplier.

SEC. 6. *Limitations on inventory.* The provisions of NPA Reg. 1 are applicable to sulfuric acid. Notwithstanding the provisions of Reg. 1, any person whose inventory does not exceed a practicable minimum working inventory may receive a single shipment of no more than 60 tons of sulfuric acid (basis 100 percent H_2SO_4) in any calendar quarter.

SEC. 7. *Directives.* NPA may from time to time issue specific directives concerning the delivery of sulfuric acid and, unless otherwise provided therein, such directives will prevail over the provisions of this order.

SEC. 8. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of NPA, at the usual place of business where maintained.

(c) Persons subject to this order will make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 9. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that any provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 10. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref.: NPA Order M-94.

SEC. 11. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on January 1, 1952.

Issued December 29, 1951.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 51-15476; Filed, Dec. 29, 1951; 11:51 a. m.]

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order 58 (Age-6)]

AGE-6—CERTIFICATE OF OWNERSHIP AND OPERATION FOR GENERAL AGENCY VESSELS.

Sec.
1. What this order does.
2. Certificate of Ownership and Operation.

AUTHORITY: Sections 1 and 2 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* This order prescribes a form of Certificate of Ownership and Operation which shall be placed aboard each vessel operated under General Agency Agreement.

SEC. 2. *Certificate of Ownership and Operation.* In order to evidence the fact that a vessel operated under General Agency service agreement for the account of the United States is not subject to certain taxes, dues, and charges levied against vessels, their stores, supplies, or equipment, by States or Territories of the United States or by foreign governments, there shall be placed aboard each vessel operated under "GAA 3-19-51", by the appropriate Coast Director of the National Shipping Authority, a Certificate of Ownership and Operation in the following form:

UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
MARITIME ADMINISTRATION
NATIONAL SHIPPING AUTHORITY
Washington, D. C.

Certificate of Ownership and Operation

This is to certify that the vessel _____, Official No. _____, was on _____ delivered to _____, as General Agent, under the terms and conditions of a General Agency Agreement (Contract No. MA-_____, dated _____) between the United States of America, acting by and through the Director, National Shipping Authority of the Maritime Administration, Department of Commerce, and said General Agent; that the vessel has been, since the date of delivery to the General Agent, and now is owned by the Government of the United States of America and employed in the public service; and that, pursuant to contractual relationships and the laws of the United States of America, all earnings and revenues derived from the operation of the vessel while so employed, including but not limited to all bill of lading freight earnings, are for the account of the Government of the United States of America.

C. H. MCGUIRE,
Director,
National Shipping Authority.

Attest:

A. J. WILLIAMS,
Secretary,
Maritime Administration.

Dated _____, 19____.

[SEAL]

_____
General agent.

Approved:

_____
Coast Director,
Maritime Administration.

Approved: December 20, 1951.

[SEAL] C. H. MCGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-15411; Filed, Dec. 29, 1951; 8:50 a. m.]

DTO-2—MAXIMUM BROKERAGE COMMISSIONS APPLICABLE TO NATIONAL SHIPPING AUTHORITY VESSELS

Sec.
1. What this order does.
2. Compensation and general conditions.
3. Renegotiation.

AUTHORITY: Sections 1 to 3 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* This order authorizes maximum brokerage commissions payable for the servicing of voyage charter parties covering cargoes carried by vessels operated for account of the National Shipping Authority.

SEC. 2. *Compensation and General Conditions.* (a) When an NSA vessel is fixed under WARSHIPVOY or other approved form of charter, General Agent is authorized, in vessel's interest, to appoint an established chartering broker, other than a subsidiary or affiliate, to conclude the fixture and service the charter. General Agent may also acknowledge and recognize any broker or agent or freight forwarder nominated to the General Agent or to his selected chartering broker by the charterer as representing charterer's cargo interests.

(b) For services rendered on vessels commencing to load during the period March 13, 1951 to and including December 31, 1951, total brokerage commission shall not exceed 1¼ percent of the freight, deadfreight and demurrage except as otherwise provided in subparagraph (1) of this paragraph. Address commission shall not be paid:

(1) When two or more brokers are involved in connection with cargo loaded in a foreign port, total brokerage commission not exceeding 2½ percent is authorized when specifically approved by the National Shipping Authority.

(c) For services rendered on vessels commencing to load on and after January 1, 1952, compensation shall be as provided in paragraphs (b) and (b) (1) of this section, except that on cargoes loaded in the Continental United States brokerage commission shall not be paid on that portion of the freight charges in excess of $8.00 per manifest ton. For cargoes loaded in U. S. A. ports which are affreighted on lump sum or other basis not calculated per manifest ton, brokerage commission will be as specifically authorized by the National Shipping Authority.

(d) All charters shall show the names of broker or brokers used with the proportion of the brokerage commission accruing to each if more than one broker is involved.

SEC. 3. *Renegotiation.* The compensation paid or payable pursuant to this order is subject to the provisions of the Renegotiation Act of 1951, 65 Stat. 7, Public Law 9, 82d Congress.

Approved: December 21, 1951.

[SEAL] C. H. MCGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-15441; Filed, Dec. 29, 1951; 8:53 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10098]

PART 12—AMATEUR RADIO SERVICE

AMATEUR EXTRA CLASS

At a session of the Federal Communications Commission held in its offices in Washington, D. C., on the 27th day of December 1951;

The Commission having under consideration the notice of proposed rule making in the above-entitled matter in which it was proposed to amend Part 12, "Amateur Radio Service" to provide that the Amateur Extra Class of license may be issued to any person who qualifies for or currently holds a valid amateur operator license of the General or Advanced Class and who can show that he held a valid amateur operator or station license issued by any agency of the United States Government during or before April 1917;

It appearing, that, in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, general notice of proposed rule making in the above-entitled matter, which made provision for the submission of written comments by interested parties, was duly published in the FEDERAL REGISTER on December 12, 1951 (16 F. R. 12515), and that the period provided for the filing of comments has now expired;

It further appearing, that comments were filed by some thirty amateurs, and that, for the most part, these comments were unanimously agreeable to and in favor of adoption of the proposed amendments, except that a few persons expressed some disagreement with the amendments proposed on the grounds that the Extra Class of license is intended to provide an incentive to all amateurs to become highly proficient in all phases of the radio art and that no means is provided by the proposed amendments to test that proficiency or to distinguish between the pioneer amateurs who have demonstrated a high degree of ability in the field of amateur radio technique and those who let radio technique overtake and pass them, but that no request for oral argument was made;

It further appearing, that the weight of comment is to the effect that any person who held an amateur license prior to April 1917, and is still an amateur or has come back to amateur radio after a lapse of time may be recognized as a pioneer in the field of radio and in line with the practice of recognition of prior service in the issuance of such documents as registration certificate of Professional Engineers; may be issued an Amateur Extra Class Operator License;

It further appearing, that authority for the aforesaid amendments is contained in sections 4 (i) and 303 (l) and (r) of the Communications Act of 1934, as amended;

It further appearing, that, since the amendments herein ordered relieve a restriction which otherwise would be applicable this order may, pursuant to section 4 (c) of the Administrative Procedure Act, be made effective upon publication or at any date thereafter;

It is ordered, That, effective January 1, 1952, §§ 12.21 (a) and 12.46 (d) of Part 12, "Amateur Radio Service" be amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: December 27, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Amend paragraph (a) of § 12.21 to read as follows:

(a) *Amateur Extra Class.* Any citizen of the United States who either (1) at any time prior to receipt of his application by the Commission has held for a period of two years or more a valid amateur operator license issued by the Federal Communications Commission, excluding licenses of the Novice and Technician Classes, or (2) submits evidence of having held a valid amateur radio station or operator license issued by any agency of the United States Government during or prior to April, 1917.

2. Amend § 12.46 by re-designating the present paragraph (d) as paragraph (e) and inserting the following new paragraph:

(d) An applicant for Amateur Extra Class operator license will be given credit for examination elements 1 (c) and 4 (B) if he so requests and submits evidence of having held a valid amateur radio station or operator license issued by any agency of the United States Government during or prior to April, 1917, and qualifies for or currently holds a valid amateur operator license of the General or Advanced Class.

[F. R. Doc. 51-15420; Filed, Dec. 29, 1951; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 26]

FLAXSEED

OFFICIAL GRAIN STANDARDS OF UNITED STATES

Notice is hereby given that the United States Department of Agriculture has under consideration a proposed change in the official grain standards of the United States for flaxseed (7 CFR 26.501 et seq.), promulgated under the authority of the United States Grain Standards Act, as amended (39 Stat. 482; 54 Stat. 765; 7 U. S. C. 71 et seq.). Several large processors of flaxseed have requested that consideration be given to reducing the maximum limit of moisture permitted in grade No. 1.

Pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), an informal public hearing will be held and written communications will be received in order that all interested persons may have an opportunity to express their views on the proposal to amend the standards by reducing the maximum limit of moisture permitted in grade No. 1 from 11 percent to 9½ percent.

Any interested person who wishes to do so may propose alternative percentages, either at the public hearing or by written submission as hereinafter provided.

The informal public hearing will be held at Minneapolis, Minnesota, at which interested persons may submit their views and opinions, orally or in writing, with respect to the desirability of promulgating the proposed amendment. The hearing will be held January 15, 1952, at 2:30 p. m., in the Directors' Room of the Minneapolis Grain Exchange Building.

Interested persons may also submit written data, views, or arguments to the Director, Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., to be received by him not later than January 30, 1952.

Consideration will be given to all information obtained at the hearing, to written data, views, and arguments received by the Director not later than January 30, 1952, and to other information available in the United States Department of Agriculture before a decision is made as to what amendment, if any, shall be promulgated.

The United States Grain Standards Act requires that public notice be given of any modification of standards promulgated under its provisions not less than 90 days in advance of the effective date of such modification. If any amendment to the flaxseed standards is promulgated, it would be desirable to make it effective about June 1, 1952.

E. J. Murphy, Grain Branch, Production and Marketing Administration, is hereby designated to conduct the hearing to be held pursuant to this notice; and J. E. Barr, Grain Branch, Production and Marketing Administration, is hereby designated to serve as his alternate.

Issued this 26th day of December 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 51-15401; Filed, Dec. 29, 1951; 8:47 a. m.]

[7 CFR Part 956]

[Docket No. AO-235]

HANDLING OF MILK IN SIOUX FALLS-MITCHELL, SOUTH DAKOTA, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of milk in the Sioux Falls-Mitchell, South Dakota, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 20th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and order was formulated, was conducted at Sioux Falls, South Dakota, on August 27-30, 1951, pursuant to notice thereof which was issued on August 8, 1951 (16 F. R. 7941).

The material issues of record related to:

(1) Whether the handling of milk in the Sioux Falls-Mitchell, South Dakota, marketing area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce in milk or milk products;

(2) Whether the issuance of an order regulating the handling of milk in the Sioux Falls-Mitchell, South Dakota, marketing area will tend to effectuate the declared policy of the act; and

(3) The appropriate terms and conditions to be included in an order with respect to:

(a) The scope of the regulation,
(b) The classification of milk,
(c) Transfer of milk between plants,
(d) Class prices,
(e) Payments to producers,
(f) The administrative assessment, and
(g) Other administrative provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence in the record.

1. *Interstate commerce.* The handling of milk in the Sioux Falls-Mitchell, South Dakota, marketing area is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk or its products.

Of the producers regularly supplying the Sioux Falls portion of the marketing area, slightly more than 20 percent are located outside the State of South Dakota. The majority of such producers are located in Minnesota and the remainder in Iowa. These out of state producers produce a little more than 20 percent of the total volume of milk received by Sioux Falls handlers from producers. During several months of each year local production is inadequate to supply the needs of handlers. To care for this deficit substantial quantities of milk are brought into the market, usually from Wisconsin, and occasionally from Iowa or Minnesota.

Handlers located in Sioux Falls operate wholesale and retail distribution routes which extend into Iowa and Minnesota. During the spring months when there is an excess of producer milk over the needs of the market milk is often disposed of to plants in Iowa and Minnesota. Additional surplus is disposed of to manufacturing plants in Sioux Falls producing ice cream and other dairy products which are disposed over a wide area including states other than South Dakota.

All of the producers shipping to plants located in the Mitchell portion of the marketing area reside in South Dakota. The evidence, however, shows that approximately 60 percent of the milk sold in Mitchell is processed and bottled in Sioux Falls, and distributed in Mitchell either directly by the Sioux Falls handlers or through vendors. During several months of each year local production is insufficient to fill the requirements of the Mitchell handlers. During these months milk is imported from Wisconsin or Minnesota and sometimes from Sioux Falls. Accordingly it must be concluded that the handling of milk in both Sioux Falls and Mitchell is in the current of interstate commerce and directly burdens, obstructs or affects interstate commerce in milk or its products.

2. *Need for an order.* The issuance of an order to regulate the handling of milk in the Sioux Falls-Mitchell, South Dakota, marketing area will tend to effectuate the declared policy of the act.

The producer cooperative associations in both Sioux Falls and Mitchell have for some time sold milk to handlers on

a class use basis and have pooled returns to their producer members. They have been unable, however, to prevent the occurrence of major competitive situations which periodically over the past several years have disrupted the stability of the market and lowered returns to producers materially. One of the most recent of these disruptions occurred in the summer of 1950 upon the introduction of the paper container in areas adjacent to the market. The adverse effects upon producers were twofold. Handlers immediately reduced the producer price on milk sold outside the area by 50 cents per hundredweight in order to cut the price of milk distributed in glass below that of milk in paper containers. Secondly, handlers without facilities for packaging milk in paper, purchased milk in paper containers from plants outside the market and relegated producer milk to the low priced manufacturing uses.

Producers have not regained the position they held prior to this development. The evidence shows that producers now receive 90 cents per hundredweight less for milk sold outside the city limits of Sioux Falls than they do for milk sold within the city limits.

Handlers have recently undertaken the bottling of milk for distributors in nearby markets. Either of two methods is followed in handling the milk received from the other market. Both work to the detriment of producers under the present system of pricing and pooling. In some instances the buyer transfers his milk to the Sioux Falls handlers after first receiving it in his own plant. Often times the amount of milk transferred is in excess of the milk received from Sioux Falls in bottled form, yet the entire receipt of such milk appears to be allocated to bottled milk sales forcing producer milk into manufacturing uses. This method of allocation appears to be followed even when the milk received is not of Grade A quality and can be used in Sioux Falls plants only for manufacturing purposes.

In other instances the farmers supplying these out-of-market plants have transferred directly to the Sioux Falls plants and are being pooled with the other producers supplying the Sioux Falls market. Since the out-of-area Class I price is little more than the price of manufacturing milk and such farmers are paid at the uniform price, the acquisition of such outlets under existing conditions has resulted only in reducing returns to producers. The testimony shows that the situation in Mitchell in this respect is comparable to that existing in Sioux Falls.

While producers are nominally paid on a use basis for their milk no audit has ever been made of handlers' books and records to determine the method used in arriving at class usage or to verify the correctness of the reported usages. Handlers testified that they were willing to allow producers to audit their books, but it appears that the only genuine offer on the part of all handlers was made after the producers association had petitioned the Secretary for a hearing on a proposed order.

Several handlers operate their own farms and there is no uniformity in the way that their own production is allocated with that of other producers. One handler prorates his own production over his entire receipts in the same proportion as milk received from all other producers. Another handler who bottles milk under a breed label allocated his own production to Class I sales up to the extent of his sales of this type milk and prorates the remainder with the milk of other producers. Other handlers allocate all of their own production to Class I sales. One handler testified that in addition to his own production he also allocated to Class I all of the receipts from one other producer because he bottled that milk under a special breed label. Upon examination he admitted that this producer's herd was of a different breed from that under which the milk was sold.

The cooperative associations which represent virtually all of the producers on the market and the handlers have been unable to arrive at a mutually satisfactory solution to the conditions which have contributed to the instability and inequities in the market. Issuance of a marketing order appears to be the only means of correcting these conditions. It is therefore concluded that an order regulating the handling of milk in the Sioux Falls-Mitchell, South Dakota, marketing area, with terms and conditions as described below, will tend to effectuate the declared policy of the act.

3. *Terms and conditions*—(a) *Scope of regulation.* The area within which the handling of milk should be regulated should be confined to the corporate limits of the cities of Sioux Falls, South Sioux Falls, and Mitchell. The handlers to be regulated should be those persons who process and bottle milk which is distributed within the defined marketing area, while a producer should be identified as anyone who produces Grade A milk under regular inspection of the health authorities of the municipalities in the marketing area.

The marketing area as originally proposed was somewhat more extensive than that recommended herein and included several townships adjacent to the cities of Sioux Falls and Mitchell. The evidence indicates, however, that these townships are predominantly rural, and that by far the greater proportion of the population of the proposed area resides within the three cities. It further appears that there are no effective health regulations in these outlying areas, and that uninspected milk is permitted to be sold there. Since the order is intended to regulate only milk of Grade A quality, to extend the marketing area to include these rural areas would be a meaningless gesture since no additional handlers would be brought within the scope of the regulation.

The three cities have each adopted the United States Public Health Service Standard Milk Ordinance. Both Sioux Falls and Mitchell employ milk sanitarians to enforce the terms of the ordinance while South Sioux Falls, a smaller community immediately adjacent to Sioux Falls, apparently relies upon the inspection of the Sioux Falls health department.

Although Mitchell is approximately seventy miles distant from Sioux Falls and South Sioux Falls, the three cities should be combined in a single marketing area. Milk from Sioux Falls is regularly distributed in Mitchell, the testimony indicating that approximately 60 percent of the milk sold there is processed and bottled in Sioux Falls. Moreover in the area lying between the two cities producers are intermingled and are in a position to ship their milk to either Mitchell or Sioux Falls. The evidence shows that on occasion producers do shift from one market to the other.

It is therefore concluded that the marketing area should include the city of Mitchell as well as the cities of Sioux Falls and South Sioux Falls.

The term "handler" is used in milk marketing orders to denote the persons engaged in the handling of milk who are the persons to whom the orders are applicable. In the proposed marketing area any person engaged in the processing and distribution of milk must have his processing plant approved by the local health authorities who maintain a regular inspection of plants located in the area. The record further indicates that the local authorities would permit any plant to dispose of milk in the area if it has a United States Public Health Service rating of 90 or better. The record evidence shows that all plants supplying the market are under regular inspection of the health departments of either Mitchell or Sioux Falls, but indicates a likelihood that other plants might commence the distribution of milk in the market. For this reason it has been concluded that handlers should be divided into two categories, those with approved plants (plants under regular inspection of local health authorities) and those with unapproved plants (plants not under local inspection but permitted to distribute milk in the area because of a high United States Public Health Service rating). Only handlers operating approved plants would be fully regulated by the order, and only the producers supplying such plants would be included in the pool under the order. The handler operating the unapproved plant would be regulated only with respect to the Class I milk he disposed of within the marketing area and the farmers supplying such plant would not be included in the pool under the order.

In this market as in many others, a cooperative association may arrange for diversion of milk from farms to manufacturing plants when the market's facilities for disposing of reserve supplies become over-burdened. Provisions should be made for a cooperative association to be a handler with respect to any milk so diverted by it.

A producer should be defined as any person who produces Grade A milk under regular inspection of the local authorities, which milk is received at an approved plant. The definition should not include those farmers who are not under regular inspection of the local health authorities and whose milk may be received at unapproved plants.

The proposed order contains definitions for "producer milk" and "other source milk." Producer milk is milk received from producers and the minimum prices prescribed in the order are applicable to such milk. Other source milk is not subject to the prices prescribed in the order, except that other source milk classified as Class I is subject to the administrative assessment and may be subject to other payments under certain conditions.

In order to indicate the exact meaning of certain other terms used throughout the order and to insure that such terms have the same meaning in each usage, the order also contains definitions for act, Secretary, Department of Agriculture, person, delivery period, cooperative association, and producer-handler. These definitions are standard in most marketing orders and occasioned no controversy, whatever, at the hearing.

(b) *Classification of milk.* The proposed order should provide for two classes of milk—Class I to include fluid milk, milk drinks, cream and similar products which are required to be produced from Grade A milk, and Class II to include those manufactured products which are not required to be produced from Grade A milk.

Some controversy arose as to the proper classification of certain items such as yoghurt, eggnog, and aerated products, producers contending such products should be classified as Class I the grounds that they were made of Grade A milk and were highly competitive with other Grade A uses. Handlers opposed the classification of such items in Class I on the grounds that they were not required to be made of Grade A milk. As an alternative handlers suggested that Class I be defined to include milk, skim milk, flavored milk drinks, cream and any milk product which the local health authorities might require to be produced from Grade A milk. The record indicates that Sioux Falls and Mitchell have identical health regulations and that the enforcement of the separate regulations is required to be uniform. Therefore the adoption of this proposal is recommended since it will lessen the need for amendments to the order if new products appear on the market or if the health departments should change their regulations with respect to a particular product. Class I should also include all unaccounted for milk and excess shrinkage on producer milk.

Class II, in addition to including all products not required to be made from Grade A milk, should include skim milk which is dumped or disposed of as livestock feed, actual shrinkage on other source milk, and actual shrinkage on producer milk up to 2 percent of receipts from producers. Some controversy arose with respect to the limitations on shrinkage or unaccounted for milk. The evidence shows that the market has very limited facilities for manufacturing skim milk during the spring months when supplies exceed the market demands. One plant is equipped to manufacture a small amount of casein. The only other outlet is a drying plant located at Sibley, Iowa, approximately 50 miles from Sioux Falls. Skim milk is sent there for drying when there is a sufficient quantity to warrant hauling the skim milk that distance, but it is uneconomic to transport small lots of skim milk such a distance, and such small lots are normally run into the sewer. Handlers proposed that skim milk so dumped be classified as Class II and further suggested that in order to prevent abuse, the order provide that the handler notify the market administrator in advance of his intention to dump such skim milk so that the market administrator may verify the quantity of skim milk disposed of in this manner. Under the conditions prevailing in this market, the proposal is not unreasonable and it is recommended that it be adopted.

With this provision, a maximum allowance of 2 percent for shrinkage on producer receipts is adequate. The evidence indicates that an efficiently operated plant should be able to keep its shrinkage within that figure. During several months of each year, handlers receive quantities of other source milk. The entire shrinkage on this milk should be classified as Class II. To classify any of it as Class I would be to reimburse producers for shrinkage incurred on milk which was not produced by them.

A further provision relating to classification specifies that it is the responsibility of the handler who receives the milk from producers to account for his entire receipts and to prove to the market administrator his claim that such receipts should not be classified as Class I. The purpose of this provision is to provide for adequate reporting, verification and auditing. The handler who first receives milk from producers is in the best position to satisfy this primary need of a class price plan. Such a handler must be held responsible for reporting the proper utilization of such milk. He must, therefore, maintain records to establish unquestionable proof of the utilization of all milk he receives.

(c) *Transfers of milk between plants.* Specific rules are set forth in the proposed order for classifying or allocating milk which is transferred between handlers or between a handler and a nonhandler. These rules are essentially the same as those governing transfers in other marketing orders and occasioned no controversy.

They provide that all transfers of milk between approved plants of handlers shall be Class I unless both handlers agree to a different classification in which case the milk shall be classified according to agreement. In either case the total value of the milk to producers would be the same, but the individual obligations of the handlers to the producer-settlement fund would vary depending on the ultimate classification of the milk each handler received.

With respect to milk transferred from an approved plant to an unapproved plant it is provided that such milk shall be Class I if the unapproved plant is located more than 100 miles from the marketing area. The record indicates that this is a reasonable distance beyond which the market administrator should not be required to send auditors to verify the utilization of milk. There are ample manufacturing facilities within this distance to absorb the seasonal reserve supplies of the market, and any milk shipped a greater distance can reasonably be presumed to be intended for Class I utilization. In the case of unapproved plants located less than 100 miles from the marketing area, milk so transferred shall be classified as reported by the transferring handler subject to reclassification upon audit of the purchasers' records or in the event the purchaser refuses to permit an audit of his records.

These provisions are designed to assure producers receiving the full utilization value for their milk if it is sold for use as a Class I product, and at the same time facilitate the movement of milk into manufacturing plants should the market receive more milk than can readily be disposed of through normal outlets.

The proposed order further provides that other source milk received at a handler's approved plant shall be allocated to the lowest use in such plant. This is to assure to producers who constitute the market's regular source of supply and on whom the market relies for a continuous supply of milk that the milk they produce shall have first claim on the market's Class I uses.

(d) *Class prices.* In order to maintain a stable supply of milk for the fluid market, it is necessary that the price of market milk be closely related to the prices of milk for manufacturing. To achieve this end it is necessary that a base be chosen which will reflect the value of manufacturing milk not only on a national level but on a local level as well. The basic price recommended herein is identical to the recommended Class II price and is based on the Chicago market quotations of 92-score butter and nonfat dry milk solids.

Since most of the milk manufactured in or close to the milkshed is utilized in butter and nonfat solids, basing the price on these commodities will reflect local conditions, while use of the Chicago quotations reflect the national price level.

All witnesses on the matter testified to the desirability of using this formula, which is also used in the Sioux City and Omaha-Council Bluffs orders, as a basis for pricing Class I milk, although handlers recommended a somewhat lower price for Class II milk. It appears that this basic price will provide an accurate index of changes in the value of milk for manufacturing purposes and its use will cause the price of Grade A milk in the Sioux Falls-Mitchell market to fluctuate with changes in prices received by farmers for non-Grade A milk sold to manufacturing establishments. Moreover use of this formula will maintain a stable relationship between the price of milk in the Sioux Falls-Mitchell market and in the Sioux City market, the nearest Grade A market of any considerable size which might tend to draw producers away from Sioux Falls in the event of a maladjustment in price between the markets.

The Class I differential should be fixed at a level which will not only reflect the

additional costs involved in producing a year round supply of Grade A milk to meet the needs of the market, but which will also furnish producers sufficient incentive to produce the desired quantity of milk. The evidence indicates that a differential of $1.25 over the basic price would be the minimum amount required to induce a sufficient supply of milk for the market. In recent months this would have resulted in an average Class I price about equal to the price of $4.80 per hundredweight which handlers have paid for Class I milk sold within the city of Sioux Falls but somewhat higher than the price paid for Class I milk sold elsewhere. The evidence indicates that the existing price for milk sold in Sioux Falls, if applied to all Class I milk, would encourage the maintenance and expansion of existing milk supplies. At present the price applied only partially to the total Class I uses contemplated under the order, has not completely accomplished this end.

Sioux Falls and Mitchell are growing cities, populations are increasing and consumer purchasing power is at a high level. Demand for Grade A milk in the less populous areas in South Dakota is increasing at a rapid rate. Handlers are expanding their out-of-market sales steadily. It follows that there will be a continuing increase in the demand for milk and that production must be maintained and encouraged if this demand for milk is to be satisfied.

Producers proposed that the Class I differential be fixed at $1.50 over the basic price. The evidence fails to justify the establishment of prices at such a high level and it must be concluded that such a price would be higher than is necessary to maintain an adequate supply of milk for the market.

Handlers proposed that the Class I price be fixed 90 cents over the basic price. Such a price would result in lowering returns to producers below those which they are currently receiving. Such a reduction in price is unwarranted at this time. Producer receipts have, for several years, been insufficient to fulfill the Class I sales of handlers during the fall months of short production. There has been a gradual but continuing increase in the number of producers on the market, but even with this increase, the record indicates a need for importing substantial quantities of other source milk during the fall months. The record further indicates little likelihood of any noticeable decline in feed prices, farm wage rates or other costs that enter into the production of Grade A milk. A reduction in price such as that proposed by the handlers would have a depressing effect on the market and would tend to discourage a further increase in producer numbers or in the production of existing producers.

Since the proposed order provides for classifying and pricing skim milk and butterfat separately, it is necessary that the proposed differential of $1.25 for milk of 3.5 percent butterfat content be allocated partly to butterfat and partly to skim milk. The basic price by its nature establishes separate values for each constituent. Producers contended that 70 percent of the value of the differential should be applied to the total amount of fat and that the remaining 30 percent should apply to the skim milk. This results in applying 20 percent of the differential to each pound of butterfat. They contend that historically the ratio of butterfat to whole milk values has approximated this figure. This practice has been followed in the Omaha-Council Bluffs and Sioux City markets as well as in other areas. No opposition was offered to the proposed breakdown. It has been concluded therefore that of the proposed differential of $1.25 per hundredweight, 25 cents should be applied for each pound of butterfat and the remainder applied to the skim milk.

Some controversy developed as to the level of the Class II price. Producers urged the adoption of the butter-powder formula which was also recommended as the basic price to be used in determining the Class I price. This formula is used to price milk manufactured into dairy products in the Omaha-Council Bluffs market and is one of two alternative formulae used for this purpose in the Sioux City market. Producers contended that this formula would properly reflect the values of milk used for manufactured products in the local market. Handlers, while accepting this formula as a basis for pricing Class I milk, contended that the price for Class II milk should be about 25 cents lower.

It appears that the proposed formula represents a reasonable value for milk used locally in the production of ice cream, cottage cheese and similar products. The bulk of producer receipts in excess of handlers' requirements for Class I milk is used in these products. During the spring months of peak production, however, the market sometimes receives more milk than can be disposed of in these outlets. Since handlers are not equipped to manufacture these reserve supplies into storable products, it is necessary for them to find an outlet for such milk in the manufacturing plants located in or adjacent to the milkshed. Handlers are unable to recover the full Class II price from milk disposed of to these outlets. For butterfat which is disposed of to butter plants, handlers are paid only the current market price for sour cream. This will average somewhat under the butterfat value of Class II milk. Likewise on milk or skim milk transferred to a condensery or drying plant, the handling and transportation costs involved would result in a net return somewhat less than the Class II price. The record evidence indicates that an allowance of 25 cents per hundredweight would be the minimum amount required to cover these additional costs.

Accordingly, it has been concluded that the proposed butter-powder formula should be adopted as the Class II price subject to a proviso that for any milk which, during the months of February through July, inclusive, is manufactured into butter, American cheese, nonfat dry milk solids, animal feed, or casein, (Class II A products) the price shall be 25 cents per hundredweight less than that otherwise provided. Those lots of skim milk which may be dumped because their volume is insufficient to warrant transfer to a manufacturing plant should also be priced at the Class II A price. To maintain the relation between values of butterfat and skim in Class II milk, the 25 cents should be prorated between butterfat and skim milk on the same basis that the Class II prices are computed.

The record indicates that steps should be taken to level out production on the market. At the present time there is a wide variation between the high and low months of production.

To correct this situation the producers' cooperative association has been operating a base and surplus plan among its members. The plan as it has been operated in the market has been administratively cumbersome, and producers feel that other means should be undertaken. Accordingly, they have proposed the adoption of the so-called "Louisville Plan" as a means of obtaining a relatively uniform supply for the market. Under this plan 8 percent of the funds in the pool would be deducted in computing the uniform price during each of the months of May, June and July, and one-third of the total amount deducted would be added back in computing the uniform price during each of the months of October, November and December.

This plan as proposed by producers has the effect of applying a seasonal element in the pricing of milk to producers which is related to the needs of the market without unnecessarily influencing the stability of handlers' costs. Accordingly, it is felt that the recommended plan of a deduction from the pool in the spring months and the addition in the fall of the moneys deducted will provide the most effective method of encouraging a more uniform pattern of production.

(e) *Payments to producers.* The proposed order provides for a market-wide pool under which all producers supplying the market would receive the same price for their milk regardless of its utilization by the handler who received the milk. The question of an individual-handler pool was not raised at the hearing. The market-wide type of pool contemplates the uniform distribution among all producers in the market of the proceeds of Class I and reserve supplies of milk. This pool will serve to contribute appreciably to the market's need for stability.

The order provides that producers be paid once a month and specifies that in the case of a qualified cooperative association the handler shall make payment to the cooperative association instead of the individual members, if the cooperative association has such authority in its membership contract and is desirous of exercising such privilege. Producers originally proposed that payment be made twice a month, the mid-month payment to be an estimate of the value of the milk delivered during the first half of the delivery period. No evidence on this proposal was submitted at the hearing. The dates which have been fixed for reporting and for payment are so spaced that ample time is provided the handlers for the filing of reports

and the market administrator for the computation of the various prices.

The butterfat differential to be used in making payments to producers should be one-tenth of the price of 92-score butter on the Chicago market multiplied by 1.2. This is the same as the producer butterfat differential used in the Sioux City order and in numerous other markets. The evidence indicates that while the producer butterfat differential in the past has not been directly related to the price of butter, it has averaged close to the proposed level. No opposition was offered to it. Since under the proposed order, the butterfat differential is merely a means of prorating returns to producers, handlers' costs will not be affected by it.

(f) *The administrative assessment.* It appears that an administrative assessment of 4 cents per hundredweight on all producer milk and on other source milk utilized in Class I will be required to defray the cost of administering the order, at least during its initial stages.

The market administrator is required to verify the utilization of all milk received at approved plants and of Class I milk disposed within the area from unapproved plants, and therefore other source milk should bear its proportionate share of the administrative costs. This practice will also apportion the expenses more equitably among handlers.

In view of the anticipated volume of milk to be regulated, a maximum of 4 cents per hundredweight should be adopted to guarantee a sufficient income to properly administer the order. The proposed rate is comparable to those provided for other markets of like size. Office expenses are always relatively high at the beginning of a program. Should experience prove that a lesser sum were sufficient, provision is made whereby the Secretary may reduce the assessment to whatever amount is necessary to meet the expenses of the office without amending the order.

(g) *Other administrative provisions.* The other provisions of the order are of a general administrative nature. They define the powers and duties of the market administrator, prescribe the information to be reported by handlers and set forth the rules to be followed by the market administrator in making the computations required by the order. They also prescribe the length of time that records must be retained and provide a plan for the liquidation of the order in the event of its suspension or termination. They are similar to like provisions of other orders and except as set forth below require no explanation.

A producer-handler is exempt from all the regulatory provisions of the order except that requiring the filing of reports as requested by the market administrator. The producer-handler, since he is his own marketing agent, is in a position to regulate his production to his sales and to completely control its disposition. He is in an entirely different position from the producer whose milk is marketed through a handler and should not be subject to the pricing and pooling provisions of the order. He should be required, however, to file reports when requested by the market administrator. Such reports are necessary to verify such person's continued status as a producer-handler as well as to supplement market information.

The order would also partially exempt a handler who operates an unapproved plant from which Class I milk is disposed of within the marketing area. Such a handler would be required to report to the market administrator regularly so that he may ascertain the volume of milk disposed of within the area by such person. He would also be required to pay the administrative assessment on such Class I milk and to pay to the producer-settlement fund an amount equal to the difference between the Class I and Class II prices on such milk. It appears that other source milk so disposed of should be treated in the same manner as other source milk disposed of from an approved plant. A handler who receives at his approved plant other source milk which is disposed of as Class I should be required to pay into the producer-settlement fund the difference between the Class I and Class II prices when producer milk is available to satisfy his requirements. Such a provision is necessary to prevent handlers from purchasing milk for sale in the market at less than the prices paid by other handlers subject to the order. It serves further to prevent the displacement of producer milk. Since producers are the persons on whom the market must rely for a continuing supply of milk, they should be paid the Class I price for Class I milk disposed of by handlers. Since utilization of other source milk in Class I forces producer milk into a Class II utilization, they should be reimbursed for the difference in price between the two classes.

Because of the administrative difficulties inherent in the proposal of producers, which would base the payment on the market administrator's determination of availability, the proposal should be modified. As pointed out above, this is a deficit market during a portion of the year, but is normally amply supplied with milk during the months of February through July. It appears that the interests of producers would be amply safeguarded and administrative difficulties would be lessened, if this payment were applicable to other source milk disposed of as Class I milk only during the months of February through July.

The order provides also for the retention of necessary records by handlers and for the ultimate termination of obligations. It is necessary that these records be kept for a substantial period of time since some transactions with respect to the handling of producers' milk are not completed and audited until several months after producers have delivered the milk to handlers' plants. Detailed records of this kind soon assume tremendous physical proportions and become burdensome for this reason. It is necessary that a definite time period be provided within which handlers must maintain their records and after which they will be relieved of so doing. The order should provide that handlers shall retain records for three years after the end of the delivery period to which such records relate. In terms of the volume of records which would be retained and the types of transactions involved in disposing of milk, the retention of records for three years is concluded to be a reasonable requirement. If litigation is in progress, it may be necessary to require records to be retained for a longer period and provision should be made for this contingency.

The order should provide for the termination of obligations to handlers after a reasonable period of time has elapsed. Without such a provision handlers may file claims which, because the period involved might extend back over many years, could be in substantial amounts. This creates uncertainties which could endanger the stability of the market and lead to serious inequities. The order should provide that any obligation to pay a handler shall terminate two years after the month in which the milk was received if an under-payment is claimed, or within two years after payment was made if a refund is claimed, unless within such period of time the handler files a petition, pursuant to section 8c (15) (A) of the act, claiming such money. Handlers also need the protection of provisions terminating their obligations to make payments. Since handlers cannot be forewarned always as to contingent liabilities, it is extremely difficult and burdensome for them to make adequate provision therefor by setting up reserves or taking other precautionary measures. The obligation of any handler to pay money should, except under certain extraordinary conditions, such as litigation terminate two years after the last day of the month during which the market administrator receives the handlers' report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. It is concluded that in general a period of two years is a reasonable time within which the market administrator should complete his auditing and inspection work and render any billings for money due under the order. Provisions are necessary also as contained in the proposed order to meet such contingencies as failure of the handler to submit required books and records and to deal with situations where fraud or willful concealment of information may be involved.

It was proposed that if a handler fails to make the required reports or payments his name may be publicly announced by the market administrator unless otherwise directed by the Secretary. Such a provision is provided for by the act and it is concluded that its adoption will facilitate the enforcement of the terms of the order.

General findings. (a) The proposed marketing agreement and the order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the

minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Proposed findings and conclusions. Briefs were filed on behalf of the producers' association and the majority of handlers. The briefs contained proposed findings of fact, conclusions and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended marketing agreement and order. The following order is recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreement is not included because the regulatory provisions thereof would be the same as those contained in the order.

DEFINITIONS

§ 956.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 956.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 956.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this subpart.

§ 956.4 *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

§ 956.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) Is qualified under the provisions of the act of Congress of February 18, 1922, as amended, as the "Capper-Volstead Act," and

(b) Has full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or its products for its members.

§ 956.6 *Sioux Falls-Mitchell, South Dakota, marketing area.* "Sioux Falls-Mitchell, South Dakota, marketing area," hereinafter called the "marketing area," means all the territory within the corporate limits of the cities of Sioux Falls, South Sioux Falls, and Mitchell, all in the State of South Dakota.

§ 956.7 *Approved plant.* "Approved plant" means a milk plant or other facilities which are under regular inspection of the health authorities of Sioux Falls, or Mitchell, South Dakota, and which are used in the preparation or processing of producer milk any part of which is sold or disposed of in the marketing area as Class I milk.

§ 956.8 *Unapproved plant.* "Unapproved plant" means any milk manufacturing, processing or bottling plant other than an approved plant.

§ 956.9 *Handler.* "Handler" means:

(a) Any person, other than a producer handler, in his capacity as the operator of an approved plant(s).

(b) Any other person in his capacity as the operator of an unapproved plant where milk is processed and packaged and from which milk is disposed of on wholesale or retail routes within the marketing area unless such milk is received at and disposed of from an approved plant, or

(c) Any cooperative association with respect to milk of producers diverted by it from an approved plant to an unapproved plant for the account of such cooperative association.

§ 956.10 *Producer.* "Producer" means any person who produces Grade A milk under a farm permit or rating issued by local health authorities, which milk is (a) received at an approved plant, or (b) diverted from an approved plant to an unapproved plant for the account of a handler. Milk so diverted shall be deemed to have been received by the handler who caused it to be so diverted.

§ 956.11 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer, other than a producer handler, which is received by a handler either directly from producers or from other handlers.

§ 956.12 *Other source milk.* "Other source milk" means all skim milk and butterfat which is received by a handler other than that contained in producer milk.

§ 956.13 *Producer-handler.* "Producer-handler" means any person who produces milk which he distributes on wholesale or retail routes within the marketing area and who receives no milk from other producers: *Provided,* That the market administrator has determined that the maintenance, care and management of the dairy animals and other resources necessary to produce the milk, and the processing, packaging and distribution of the milk are the personal enterprise and personal risk of such person.

§ 956.14 *Delivery period.* "Delivery period" means a calendar month or the portion thereof during which this subpart is in effect.

MARKET ADMINISTRATOR

§ 956.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 956.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 956.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the folowing:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 956.72 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and, upon request by the Secretary, surrender the same to such person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to § 956.30, or (2) payments pursuant to §§ 956.65, 956.69, and 956.71;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this subpart; and

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each

delivery period as follows: (1) On or before the 3d day of each delivery period, the minimum prices for skim milk and butterfat (i) in Class I milk computed pursuant to § 956.50 (a) for the current delivery period, and (ii) in Class II milk computed pursuant to § 956.50 (b) for the preceding delivery period; and (2) on or before the 8th day of each delivery period, the uniform price computed pursuant to § 956.61 and the butterfat differential computed pursuant to § 956.66, both for the preceding delivery period.

REPORTS, RECORDS AND FACILITIES

§ 956.30 *Delivery period reports of receipts and utilization.* (a) On or before the 6th day after the end of each delivery period, each handler who operates an approved plant shall report to the market administrator, in the detail and on forms prescribed by the market administrator, the following information with respect to all milk received from producers, all milk, skim milk, cream, and milk products received from other handlers, and all other source milk (except nonfluid milk products disposed of in the form in which received without further processing or packaging by the handler) received at his approved plants:

(1) The quantities of skim milk and butterfat contained in such receipts and their sources;

(2) The utilization of such receipts; and

(3) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

(b) On or before the 6th day after the end of each delivery period, each handler who operates an unapproved plant shall report to the market administrator, in the detail and on forms prescribed by the market administrator, his total disposition within the marketing area of Class I milk from such plant.

§ 956.31 *Producer payroll reports.* On or before the 20th day after the end of each delivery period each handler who operates an approved plant shall submit to the market administrator his producer payroll for such delivery period, which shall show (a) the pounds of milk and the percentages of butterfat contained therein received from each producer; (b) the amount and date of payment to each producer or cooperative association; and (c) the nature and amount of each deduction or charge involved in the payments made to producers or cooperative associations.

§ 956.32 *Other reports.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request.

§ 956.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to:

(a) The receipts and utilization of all producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of butterfat and skim milk contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each delivery period.

§ 956.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such 3 year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 956.40 *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in all milk, skim milk, cream, and milk products received during the delivery period by a handler and required to be reported pursuant to § 956.30 (a) shall be classified by the market administrator pursuant to §§ 956.41 to 956.45, inclusive.

§ 956.41 *Classes of utilization.* Subject to the conditions set forth in §§ 956.43 and 956.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat (1) disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, either sweet or sour (including any mixture of butterfat and skim milk containing more than 6 percent butterfat except mixes for ice cream and frozen desserts) (2) disposed of as or used to produce any other milk product required by the health authorities in the marketing area to be produced from Grade A milk and (3) all skim milk and butterfat not specifically accounted for as Class II milk.

(b) *Class II milk.* Except as provided in paragraph (c) of this section Class II shall be (1) all skim milk which is dumped or disposed of as livestock feed: *Provided,* That in the case of skim milk which is dumped the handler shall notify the market administrator in advance of his intention to dump such skim milk, and (2) all skim milk and butterfat (i) used to produce any milk product not specified in paragraph (a) of this section, (ii) in actual plant shrinkage supported by adequate plant records up to but not in excess of two percent of the total receipts of skim milk and butterfat in producer milk, other than that received from other handlers, (iii) in actual shrinkage of other source milk, and (iv) in inventory variations.

(c) *Class IIA.* Class IIA shall be all skim milk and butterfat which, during the months of February through July, both inclusive, is used to produce butter, American cheddar cheese, casein, animal feed or nonfat dry milk solids, and skim milk which is dumped: *Provided,* That the handler shall notify the market administrator in advance of his intention to dump such skim milk.

§ 956.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in producer milk and in other source milk.

§ 956.43 *Transfers.* (a) Skim milk and butterfat, when transferred or diverted from an approved plant to another approved plant where milk is received from producers, shall be Class I if transferred or diverted in the form of milk, skim milk or cream: *Provided,* That, if the transferring handler, on or before the 6th day after the end of the delivery period during which the transfer or diversion is made, furnishes to the market administrator a statement signed by the buyer indicating that such skim milk or butterfat was used in Class II, or Class IIA such skim milk or butterfat may be assigned to the indicated class up to the amount thereof remaining in such class in the plant of the receiver after the subtraction of other source milk pursuant to § 956.46: *Provided further,* That, if other source milk has been received at either or both plants, such milk so disposed of shall be classified at both plants so as to return the higher class utilization to producer milk.

(b) Skim milk or butterfat, when transferred or diverted from an approved plant to an unapproved plant located more than 100 miles from the marketing area shall be Class I if transferred in the form of milk, skim milk, or cream.

(c) Skim milk and butterfat when transferred or diverted from an approved plant to an unapproved plant located less than 100 miles from the marketing area shall be Class I if transferred in the form of milk, skim milk, or cream unless the transferring handler reports that such skim milk or butterfat was used in Class II or Class IIA: *Provided,* That if the buyer refuses to permit the market administrator to audit his books and records, such milk, skim milk or cream shall be reclassified as Class I: *Provided further,* That if upon audit of the buyer's records, it is found that the use of skim milk and butterfat in the buyer's plant in Classes II and IIA is less than the amount stated to have been used, any amount in excess of such Class II use or Class IIA shall be classified as Class I.

(d) Skim milk or butterfat when transferred or diverted from an ap-

proved plant to a producer-handler in the form of milk, skim milk, or cream shall be classified as Class I.

§ 956.44 *Responsibility of handlers and reclassification of milk.* (a) In establishing the classification of skim milk and butterfat as required in § 956.41 the burden rests upon the handler who receives such skim milk or butterfat from producers to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 956.45 *Computation of skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler pursuant to § 956.30 (a) and shall compute the respective amounts of skim milk and butterfat in each class for such handler.

§ 956.46 *Allocation of skim milk and butterfat classified.* After computing the classification of all skim milk and butterfat received by a handler pursuant to § 956.45, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II, the pounds of skim milk determined pursuant to § 956.41 (b) (2) (ii);

(2) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk contained in other source milk: *Provided,* That if the receipts of skim milk in other source milk are greater than the pounds of skim milk remaining in Class II, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I. If any skim milk has been classified as Class II A, skim milk in other source milk shall be allocated to such Class II A use prior to allocation to other Class II use.

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk contained in receipts from other handlers in accordance with its classification as determined pursuant to § 956.43(a);

(4) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(5) Subtract pro rata from the remaining pounds of skim milk in each class the pounds of skim milk contained in such handler's own production;

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk reported as having been received from producers; an amount equal to the difference shall be subtracted from the pounds of skim milk in Class II: *Provided,* That any amount in excess of the pounds remaining in Class II shall be subtracted from Class I. Any amount so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

MINIMUM PRICES

§ 956.50 *Class prices.* Each handler shall pay at the time and in the manner set forth in § 956.65 not less than the prices set forth in this section for skim milk and butterfat in milk received from producers during the delivery period at such handler's plant.

(a) *Class I milk.* (1) The price per hundredweight for Class I milk containing 3.5 percent butterfat shall be the Class II price computed pursuant to paragraph (b) (1) of this section for the previous delivery period plus $.25.

(2) The price per hundredweight for butterfat in Class I milk shall be computed by adding $25.00 to the price computed pursuant to paragraph (b) (2) of this section for the preceding delivery period.

(3) The price per hundredweight for skim milk in Class I shall be computed by (i) multiplying by 0.035 the price computed pursuant to subparagraph (2) of this paragraph, (ii) subtracting the result from the price computed pursuant to subparagraph (1) of this paragraph, (iii) dividing the result by 0.965, and (iv) adjusting to the nearest cent.

(b) *Class II milk.* (1) The price per hundredweight for Class II milk containing 3.5 percent butterfat shall be computed by the market administrator as follows: (i) Multiply by 1.25 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the delivery period and subtract 5 cents, (ii) multiply by 3.5, (iii) add 21 cents, and (iv) add 3 cents for each full one-half cent that the price of nonfat dry milk solids is above 7 cents per pound. The price of nonfat dry milk solids to be used shall be the arithmetical average of the carlot prices, both spray and roller process, for human consumption delivered at Chicago, as reported by the Department of Agriculture during the delivery period. In the event the Department of Agriculture does not publish carlot prices for nonfat dry milk solids for human consumption delivered at Chicago, the average of the carlot prices for nonfat dry milk solids, spray and roller process, for human consumption, f. o. b. manufacturing plants in the Chicago area as published by the Department of Agriculture for the period from the 26th day of the preceding delivery period through the 25th day of the current delivery period, shall be used and 3 cents shall be added for each full one-half cent that the latter price is above 6 cents per pound.

(2) The price per hundredweight for butterfat in Class II shall be computed by adjusting to the nearest full cent the price computed pursuant to subparagraph (1) (i) of this paragraph and multiplying by 100.

(3) The price per hundredweight for skim milk in Class II shall be computed by (i) multiplying by 0.035 the price computed pursuant to subparagraph (2) of this paragraph, (ii) subtracting the result from the price computed pursuant to subparagraph (1) of this paragraph, (iii) dividing the result by 0.965, and (iv) adjusting to the nearest cent.

(c) *Class II A milk.* (1) The price per hundredweight for Class II A milk containing 3.5 percent butterfat shall be the Class II price computed pursuant to paragraph (b) (1) of this section minus 25 cents.

(2) The price per hundredweight for butterfat in Class II A milk shall be computed by: (i) Determining the percentage that the price computed pursuant to § 956.50 (b) (1) (i) is of the price computed pursuant to § 956.50 (b) (1), (ii) multiplying such percentage by 25 cents, (iii) subtracting the resulting figure from the price computed pursuant to § 956.50 (b) (1) (i), and (iv) multiplying by 100.

(3) The price per hundredweight for skim milk in Class II A shall be computed by (i) multiplying by 0.035 the price computed pursuant to subparagraph (2) of this paragraph, (ii) subtracting the result from the price computed pursuant to subparagraph (1) of this paragraph, (iii) dividing the result by 0.965 and (iv) adjusting to the nearest cent.

§ 956.51 *Emergency price provisions.* Whenever the provisions of this subpart require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose, and the specified price is not reported or published the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

DETERMINATION OF UNIFORM PRICE

§ 956.60 *Computation of the value of milk.* (a) The value of the milk received by each handler from producers during each delivery period shall be a sum of money computed by the market administrator by multiplying the hundredweight of skim milk and butterfat allocated to each class pursuant to § 956.46 by the applicable class prices, adding together the resulting amounts and adding any amounts owed by the handler pursuant to subparagraphs (1) and (2) of this paragraph.

(1) If a handler has overage of either skim milk or butterfat, the market administrator shall add an amount computed by multiplying the pounds of overage by the applicable class prices.

(2) If any skim milk or butterfat in other source milk has been allocated to Class I pursuant to § 956.46, during the months of February through July, both inclusive, the market administrator shall add an amount equal to the difference between the value of such skim milk or butterfat at the Class I price and the Class II price unless the handler can prove to the satisfaction of the market administrator that such other source milk or butterfat was used only to the

extent that producer milk was not available.

(b) If any handler who operates an unapproved plant has disposed of Class I milk in the marketing area, the market administrator shall determine a value for such handler by multiplying the pounds of such Class I milk by an amount equal to the difference between the Class I price and the Class II price.

§ 956.61 *Computation of uniform price.* For each delivery period the market administrator shall compute a uniform price per hundredweight for milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 956.60 for all handlers who filed reports pursuant to § 956.30 and who made the payments required pursuant to §§ 956.65 and 956.69 for the previous delivery period;

(b) Subtract if the average butterfat content of the milk included in these computations is greater than 3.5 percent, or add if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 956.66, and multiplying the resulting amount by the total hundredweight of milk included in these computations;

(c) Subtract during each of the delivery periods of May, June and July an amount equal to 8 percent of the resulting sum;

(d) Add during each of the delivery periods of September, October and November one-third of the total amount subtracted pursuant to paragraph (c) of this section;

(e) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(f) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(g) Subtract not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining the producer-settlement fund a cash balance to provide against errors in reports or payments or delinquencies in payments by handlers. The result shall be known as the "uniform price" per hundredweight for producer milk of 3.5 percent butterfat content.

§ 956.62 *Notification of handlers.* On or before the 9th day after the end of each delivery period the market administrator shall notify each handler of:

(a) The amount and value of his milk in each class computed pursuant to §§ 956.46 and 956.60 respectively, and the totals of such amounts and values;

(b) The uniform price computed pursuant to § 956.61;

(c) The amount, if any, due such handler from the producer-settlement fund;

(d) The total amounts to be paid by such handler pursuant to §§ 956.65 and 956.71; and

(e) The amount to be paid by such handler pursuant to § 956.72.

PAYMENTS

§ 956.65 *Time and method of payments.* Each handler shall make payment for milk as follows:

(a) On or before the 15th day after the end of the delivery period during which the milk was received, to each producer for milk received from him and for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price computed pursuant to § 956.61, subject to the butterfat differential computed pursuant to § 956.66.

(b) On or before the 12th day after the end of the delivery period during which the milk was received, to a cooperative association for milk which it caused to be delivered to such handler from producers, if such cooperative association is authorized to collect such payments for its member producers and wishes to exercise such authority, an amount equal to not less than the sum of the individual payments otherwise payable to such producers pursuant to paragraph (a) of this section.

§ 956.66 *Butterfat differential.* If, during the delivery period, any handler has received from any producer milk having an average butterfat content other than 3.5 percent, such handler in making the payments described in § 956.65, shall add to the uniform price for each one-tenth of one percent that the average butterfat content of such milk is above 3.5 percent not less than, or shall deduct from the uniform price for each one-tenth of one percent that such average butterfat content is below 3.5 percent not more than, an amount computed by the market administrator as follows: To the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the delivery period in which the milk was received, add 20 percent, divide the result obtained by 10, and adjust to the nearest cent.

§ 956.67 *Adjustment of errors in payment to producers.* Whenever verification by the market administrator of the payment by a handler to any producer or to a cooperative association discloses payment of an amount less than is required by § 956.65 the handler shall make up such payment to the producer or cooperative association not later than the time of making payment next following such disclosure.

§ 956.68 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 956.69 and 956.71 and out of which he shall make all payments to handlers pursuant to §§ 956.70 and 956.71: *Provided,* That the market administrator shall offset any payment due any handler against payments due from such handler.

§ 956.69 *Payments to the producer-settlement fund.* On or before the 10th day after the end of each delivery period (a) each handler who operates an approved plant shall pay to the market administrator for payment to producers through the producer-settlement fund the amount, if any, by which the total value computed for him pursuant to § 956.60 (a) for such delivery period is greater than the sum required to be paid by such handler pursuant to § 956.65, and (b) each handler who operates an unapproved plant shall make payment to the market administrator of an amount equal to the value computed for him pursuant to § 956.60 (b).

§ 956.70 *Payments out of the producer-settlement fund.* On or before the 11th day after the end of each delivery period, the market administrator shall pay to each handler, for payment to producers, the amount, if any, by which the sum required to be paid by such handler pursuant to § 956.65 is greater than the total value computed for him pursuant to § 956.60.

§ 953.71 *Adjustment of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to or from the producer-settlement fund made pursuant to §§ 956.69 and 956.70, the market administrator shall promptly bill such handler for any unpaid amounts and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to § 956.70 the market administrator shall, within 5 days, make such payment to such handler.

§ 956.72 *Expense of administration.* As his pro rata share of the expense of administration of this subpart, each handler who operates an approved plant shall pay to the market administrator, on or before the 15th day after the end of the delivery period, 4 cents per hundredweight or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe with respect to all receipts within the delivery period of (a) milk from producers including such handler's own production, and (b) other source milk which is classified as Class I milk, and each handler who operates an unapproved plant shall make such payment only with respect to Class I milk disposed of within the marketing area.

§ 956.73 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;
(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representative all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 956.80 *Effective time.* The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 956.81.

§ 956.81 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 956.82 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations under this subpart the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 956.83 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 956.90 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 956.91 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Filed at Washington, D. C., this 26th day of December 1951.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 51-15393; Filed, Dec. 29, 1951; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

OIL AND GAS OPERATIONS IN SUBMERGED COASTAL LANDS OF THE GULF OF MEXICO

This is the seventh supplement to Part II of the notice issued by the Secretary of the Interior on December 11, 1950, concerning "Oil and Gas Operations in the Submerged Coastal Lands of the Gulf of Mexico" (15 F. R. 8835), as previously supplemented by the notices issued by the Secretary of the Interior on February 2, 1951 (16 F. R. 1203), March 5, 1951 (16 F. R. 2195), April 23, 1951 (16 F. R. 3623), June 25, 1951 (16 F. R. 6404), August 22, 1951 (16 F. R. 8720), and October 24, 1951 (16 F. R. 10998).

Persons conducting oil and gas operations in accordance with Part II of the notice dated December 11, 1950, as previously supplemented, are hereby authorized to continue such operations to and including March 31, 1952. This supplementary authorization is subject to the conditions prescribed in Part II.

This does not authorize the drilling of, or production from, any oil or gas well the drilling of which had not been commenced on or before December 11, 1950.

OSCAR L. CHAPMAN,
Secretary of the Interior.

DECEMBER 21, 1951.

[F. R. Doc. 51-15333; Filed, Dec. 29, 1951; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

CHIEF, FRESH PRODUCTS STANDARDIZATION AND INSPECTION DIVISION

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN POWERS AND FUNCTIONS

Pursuant to the authority vested in me by the Administrator, Production and Marketing Administration, on November 14, 1951 (16 F. R. 11741), authority is hereby delegated to the Chief, Fresh Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, to exercise the powers and functions set forth in §§ 51.1 to 51.51, inclusive, of the regulations appearing in Title 7, Chapter I, Part 51, Code of Federal Regulations, as printed in the FEDERAL REGISTER on January 15, 1949 (14 F. R. 211): provided, however, no authority is delegated hereunder to enter into contracts pursuant to § 51.43 of the aforesaid regulations.

Any action heretofore taken by the Chief, Fresh Products Standardization and Inspection Division, with respect to the foregoing matters is hereby ratified and confirmed, and shall remain in full force and effect unless and until expressly modified, amended, suspended, revoked or terminated.

Done at Washington, D. C., this 26th day of December 1951.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 51-15402; Filed, Dec. 29, 1951; 8:47 a. m.]

CHIEF, PROCESSED PRODUCTS STANDARDIZATION AND INSPECTION DIVISION

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN POWERS AND FUNCTIONS

Pursuant to the authority vested in me by the Administrator, Production and Marketing Administration, on November 14, 1951 (16 F. R. 11741), authority is hereby delegated to the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, to exercise the powers and functions set forth in §§ 52.1 to 52.58, 52.80 to 52.87, inclusive, of the regulations appearing in Title 7, Chapter 1, Part 52, Code of Federal Regulations, as printed in the FEDERAL REGISTER on July 21, 1951 (16 F. R. 7127); provided, however, no authority is delegated hereunder to enter into contracts with applicants to perform continuous inspection service pursuant to § 52.52 of the aforesaid regulations.

Any action heretofore taken by the Chief, Processed Products Standardization and Inspection Division, with respect to the foregoing matters is hereby ratified and confirmed, and shall remain in full force and effect unless and until expressly modified, amended, suspended, revoked or terminated.

Done at Washington, D. C., this 26th day of December 1951.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 51-15403; Filed, Dec. 29, 1951; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1728, G-1621, G-1747, G-1633, G-1277, G-1650, G-1713, G-1800]

ROCKLAND LIGHT & POWER CO. ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

DECEMBER 19, 1951.

In the matters of Rockland Light and Power Company, Docket No. G-1728; Atlantic Seaboard Corporation, Docket Nos. G-1621, G-1747; The Manufacturers Light and Heat Company, Docket No. G-1633; Transcontinental Gas Pipe Line Corporation, Docket Nos. G-1277, G-1650, G-1713; United Fuel Gas Company, Docket No. G-1800:

On June 26, 1951, Rockland Light and Power Company (Rockland), a New York corporation, having its principal place of business in Nyack, New York, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of an 8-inch pipeline approximately 22 miles in length extending from a point on the natural-gas transmission pipeline of Transcontinental Gas Pipe Line Corporation (Transcontinental) in the town of Orangetown, Rockland County, northeasterly to Tomkins Cove, Rockland County, New York. Rockland also seeks an order pursuant to section 7 (a) of the act, directing Transcontinental to establish a physical connection with Rockland's proposed facilities and to furnish to Rockland a supply of natural gas to meet the requirements of its Eastern Division, all as more fully described in its application on file with the Commission and open to public inspection.

On December 7, 1951, the Commission issued an order in the matters of Atlantic Seaboard Corporation, Docket Nos. G-1621, G-1747,; The Manufacturers Light and Heat Company, Docket No. G-1633; Transcontinental Gas Pipe Line Corporation, Docket Nos. G-1277, G-1650 and G-1713; and United Fuel Gas Company, Docket No. G-1800, denying requests for shortened procedure, reopening and consolidating proceedings, and fixing date of hearing.

On December 11, 1951, the Commission issued an order in the matter of Rockland Light and Power Company, Docket No. G-1728, fixing date of hearing.

It now appears to the Commission that the matters involved and the issues presented by the application filed by Rockland on June 26, 1951, involve issues related to those presented by the aforementioned dockets which were consolidated for the purposes of hearing by its order of December 7, 1951.

The Commission finds: Orderly procedure and the proper administration of the Natural Gas Act, require that the proceedings in Docket No. G-1728, now set for hearing commencing on January 9, 1952, be consolidated for purpose of hearing with the proceedings in Docket Nos. G-1277, G-1621, G-1633, G-1650, G-1713, G-1747, and G-1800, as hereinafter ordered.

The Commission orders:

(A) The Commission's order issued December 11, 1951, in Docket No. G-1723, fixing the date for hearing to commence on January 9, 1951, be and the same hereby is rescinded.

(B) The proceeding in Docket No. G-1728 be and the same is hereby consolidated for the purpose of hearing with the consolidated proceedings in Docket Nos. G-1621, G-1747, G-1633, G-1277, G-1650, G-1713, and G-1800.

(C) Pursuant to the authority contained in and by virtue of the jurisdiction conferred upon the Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held commencing on January 28, 1952, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the proceedings consolidated in paragraph (B) hereof.

Date of issuance: December 26, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-15404; Filed, Dec. 29, 1951; 8:48 a. m.]

[Docket No. G-1826]

UNITED GAS PIPE LINE CO.

ORDER FIXING DATE OF HEARING

DECEMBER 20, 1951.

On October 29, 1951, United Gas Pipe Line Company (applicant), a Delaware corporation with its principal place of business in Shreveport, Louisiana, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission pipe-line facilities, subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on November 17, 1951 (16 F. R. 11701).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on January 9, 1952, at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: December 26, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-15405; Filed, Dec. 29, 1951; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

STATES STEAMSHIP CO. ET AL.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 7836 between States Steamship Company and Pacific Argentine Brazil Line, Inc., and Pope & Tal-

bot, Inc., covers the transportation of general cargo under through bills of lading from the Far East to specified ports in Puerto Rico with transshipment at U. S. Pacific Coast ports. This agreement when approved will cancel agreement No. 7013.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 27, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 51-15410; Filed, Dec. 29, 1951; 8:49 a. m.]

Maritime Administration

ASSISTANT GENERAL COUNSEL IN CHARGE OF DIVISION OF LITIGATION, OFFICE OF THE GENERAL COUNSEL

DELEGATION OF AUTHORITY WITH RESPECT TO CLAIMS ARISING OUT OF WRONGFUL ACTS OR OMISSIONS OF EMPLOYEES

The Assistant General Counsel in charge of the Division of Litigation, Office of the General Counsel, Maritime Administration, is hereby authorized to exercise, with respect to claims arising out of the wrongful acts or omissions of employees of the Maritime Administration, in accordance with sections 4 and 5 of Department of Commerce Order No. 70 (12 F. R. 3080), the authority vested in the Secretary of Commerce by section 403 (a) of the Federal Tort Claims Act, as amended (28 U. S. C. 2672).

This notice is effective August 1, 1951.

[SEAL] CHARLES SAWYER, *Secretary of Commerce.*

[F. R. Doc. 51-15332; Filed, Dec. 29, 1951; 8:45 a. m.]

Office of International Trade

[Case No. 114]

A. E. RATNER CHEMICAL CO. ET AL.

ORDER STAYING EFFECTIVENESS OF ORDER REVOKING AND DENYING LICENSE PRIVILEGES

In the matter of A. E. Ratner, trading as A. E. Ratner Chemical Company, 135 Front Street, New York 5, New York; Continental Pharma, S. A., Boris Schorine, 35, avenue Rogier, Brussels 3, Belgium; Continental Pharma, Eugene Hecht, 1477 Sherbrooke Street, West, Montreal 25, Canada; respondents.

On application of the respondents herein for a stay of the license denial order issued December 18, 1951, pending filing, hearing, and final decision of respondents' appeal therefrom to the Department of Commerce Appeals Board; and good cause having been shown for said stay, *It is hereby ordered*, That the license denial order issued in this compliance proceeding on December 18, 1951, be and is hereby stayed in all respects until final decision of respondents' appeal therefrom by the Appeals Board.

Dated: December 26, 1951.

JOHN C. BORTON, *Assistant Director for Export Supply.*

[F. R. Doc. 51-15414; Filed, Dec. 29, 1951; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31-582]

SINCLAIR OIL CORP.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION AND ORDER GRANTING EXEMPTION FOR 30 DAYS

DECEMBER 21, 1951.

Notice is hereby given that Sinclair Oil Corporation, a registered holding company formerly known as Consolidated Oil Corporation ("Sinclair"), has filed an application on behalf of itself and its subsidiaries, pursuant to section 3 (a) (3) of the Public Utility Holding Company Act of 1935 ("act"), requesting that it and its subsidiaries, as such, be granted an exemption from the provisions of the act, except the provisions of sections 11 (b), 11 (c), and 11 (e) thereof. All interested persons are referred to said application, which is on file in the offices of this Commission, for a statement of the basis therein claimed for the requested exemption. Any interested person may, not later than January 4, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held with respect to said application, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after January 4, 1952, said application, as filed or as amended, may be granted.

The Commission having examined the application and the documents, records and proceedings referred to therein, finds on the basis thereof:

By its findings and opinion and order issued December 21, 1951, the Commission approved the amended joint application for approval of an Amended Plan ("Plan"), filed pursuant to section 11 (e) of the act by The Mission Oil Company ("Mission") and Southwestern Development Company ("Southwestern"), registered holding companies, and their subsidiary companies. Sinclair owns approximately 51 percent of the common stock of Southwestern and approximately 4 percent of the common stock of Mission which in turn owns approximately 47.28 percent of the common stock of Southwestern. The plan provided, inter alia, for (a) the merger of Canadian River Gas Company ("Canadian") and Colorado Interstate Gas Company ("Colorado") subsidiaries of Southwestern and indirect subsidiaries of Mission and Sinclair, with Colorado surviving, and the creation in connection with the merger of a new subsidiary company, Westpan Hydrocarbon Company ("Westpan"), to take and hold the rights to the natural gasoline in place in the natural gas acreage of Canadian, (b) the divestment by Southwestern through distribution to its stockholders of the common stocks of Colorado and of Westpan to be received under the provisions of the Plan, (c) the limitation of the operations of the Southwestern holding company system to those of a single integrated gas utility system and other businesses retainable under the standards of section 11 (b) of the act, and the liquidation and dissolution of Mission including the distribution by it to its stockholders of the common stocks of Southwestern, Colorado, and Westpan to be received by it under the provisions of the plan.

The Plan, as filed, contained a statement to the effect that Sinclair would file a commitment to dispose of the shares of common stock of Southwestern and of Colorado to be received under the provisions of the Plan, within one year from the effective date of the Plan or within such longer time as the Commission by further order may grant, and to reinvest the proceeds of the sale of such subsidiaries in securities other than nonexempt securities as defined by section 373 of the Internal Revenue Code. Sinclair and its subsidiaries, as such, had been exempted by order dated April 9, 1937 (2 S. E. C. 165) from the registration and certain other provisions of the act. Subsequent to the issuance of the notice of filing and order for hearing on the Plan, Sinclair registered as a holding company under the act, and it and Southwestern and Mission filed an amendment under which Sinclair joined in the Plan, as amended, to provide that Sinclair will sell the common stocks of Southwestern, Colorado, and Westpan to be received under the provisions of the Plan, and will reinvest the proceeds as a contribution to the capital of Sinclair Refining Company, a wholly owned subsidiary.

The Commission, in its findings and opinion approving the Plan as so amended (the "Plan"), having found the proposed distributions by Sinclair necessary or appropriate to the integration and simplification of the holding company system of which Sinclair, Southwestern, Mission, Canadian, and Colorado are members, and necessary or appropriate to effectuate the provisions of section 11 (b) of the act; and

It appearing that the consolidated gross sales and other revenues of Sinclair and its subsidiaries for the calendar year 1950 amounted to $685,968,047, that the consolidated gross revenues of Southwestern's four gas utility subsidiaries for the twelve months ended April 30, 1951, amounted to $6,063,120 or about 0.88 percent of the consolidated gross of Sinclair and its subsidiaries; and

The Commission finding that, during the period between the issuance of the order approving the Plan and the consummation by Sinclair of the divestments of the common stocks of Southwestern, Colorado, and Westpan under the provisions of the Plan, Sinclair will be only incidentally a holding company, within the meaning of the provisions of section 3 (a) (3) of the act, not deriving directly or indirectly any material part of its income from any one or more subsidiary companies, the principal business of which is that of a public-utility company, and that upon the consummation of such divestments it will cease to be a holding company as defined in the act; and

The Commission deeming it appropriate to grant the requested exemption for a period of thirty days, subject to the provisions of Rule U-44 (c) with respect to the proposed sale by Sinclair of the common stocks of Southwestern, Coloradio, and Westpan, and to afford to any interested person who so desires an opportunity for hearing prior to the granting of said requested exemption without limitation as to time;

It is ordered That the application of Sinclair for exemption of it as a holding company, and of its subsidiaries, as such, from all of the provisions of the act except sections 11 (b), 11 (c), and 11 (e) thereof, be, and it is hereby, granted for a period of thirty days, subject to the condition that the divestment by Sinclair of the common stocks of Southwestern, Colorado and Westpan be consummated in accordance with the provisions of Rule U-44 (c), and to the continuing jurisdiction of the Commission to require, pursuant to Rule U-44 (c), that such divestments be made only pursuant to a declaration filed with, and permitted to become effective by the Commission; that this order shall become effective upon its issuance and shall remain in force and effect for a period of thirty (30) days thereafter; and that unless a hearing upon said application is requested of or ordered by the Commission on or before January 4, 1952, an order may be entered granting the exemption as requested without limitation as to time.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-15383; Filed, Dec. 29, 1951; 8:45 a. m.]

[File Nos. 54-196, 59-97, 70-2681]

SINCLAIR OIL CORP. ET AL.

ORDER APPROVING PLAN

DECEMBER 21, 1951.

In the matter of Sinclair Oil Corporation, the Mission Oil Company, Southwestern Development Company and subsidiaries, File Nos. 54-196, 59-97; Albert R. Jones, et al., File No. 70-2681.

The Mission Oil Company ("Mission"), and Southwestern Development Company ("Southwestern"), registered holding companies, and their subsidiaries, having filed a joint application and amendments thereto, pursuant to section 11 (e) and other applicable provisions of the Public Utility Holding Company Act of 1935 ("act"), for approval of a plan providing, inter alia, for the liquidation of Mission, the divestment by Southwestern of certain non-utility subsidiaries, and the limitation of the operations of Southwestern's holding company system to a gas production company, a gas transmission company, and four gas utility companies; and

Sinclair Oil Corporation ("Sinclair"), previously exempt from the provisions of the act, except the provisions of section 9 (a) (2), having recently registered as a holding company under the act, and having jointly with Mission and Southwestern filed an amendment to said plan providing for the divestment by Sinclair of all of its interest in Southwestern and subsidiaries; and

Albert R. Jones and members of his family, Laurence R. Jones, Virginia Jones Mullin and Mabel N. Jones, and certain corporate associates, A. R. Jones Oil & Operating Company and The Lotus Oil Company ("Jones and Associates"), having filed a joint application for approval of the acquisition of their respective pro rata shares, aggregating 67,259 shares, of the common stock of Southwestern to be distributed by Mission pursuant to the provisions of the plan; and

The Commission having instituted proceedings under sections 11 (b), 12 (b), 12 (f), and 13 (b) of the act with respect to Mission, Southwestern and their subsidiaries, and having consolidated such proceedings with the proceeding with respect to the plan and the proceeding with respect to the application of Jones and Associates; and

Public hearings having been held after appropriate notice; and

Applicants having requested that the Commission enter an order approving the plan and related transactions and authorizing applicants to proceed with the consummation of the proposed transactions; and applicants having further requested that said order contain recitals with respect to the several transactions appropriate to conform to the requirements of Supplement R and section 1808 (f) of the Internal Revenue Code, as amended; and

The Commission having considered the record in the matter and having on this date filed its findings and opinion herein finding the plan to be necessary to effectuate the provisions of section 11 (b) and fair and equitable to the persons affected thereby, and deeming it appropriate to grant applicants' request that this order contain tax recitals appropriate to conform to the requirements of Supplement R and section 1808 (f) of the Internal Revenue Code, as amended:

It is ordered, Pursuant to the applicable provisions of the act, that the plan, as amended, and the related transactions, including the acquisition by Jones and Associates of 67,259 shares of the common stock of Southwestern, be, and hereby are, approved, subject, however, to the conditions specified in Rule U-24 and subject to the following terms and conditions:

1. Jurisdiction is hereby reserved (a) with respect to the system servicing, and, without the approval of this Commission, no substantial change shall be made in the companies to be served, the nature and scope of the services to be rendered, or in the proposed method of allocating costs to associate companies, (b) to entertain such further proceedings, to make such supplemental findings, to take such further action as the Commission may deem appropriate in connection with the plan, the transactions incident thereto, and the consummation thereof, and to enter such further orders as may be deemed necessary or appropriate to secure full compliance with the act, (c) to pass upon such transactions as are designated for subsequent action in accordance with the provisions of the plan, (d) to determine the reasonableness, approve, disapprove, modify, award and allocate by further order or orders, all fees, expenses and remuneration incurred or to be incurred or claimed by any persons in connection with the plan, the transactions incident thereto, and the consummation thereof, (e) to require and to supervise the efforts to be made by the managements of Mission and Southwestern or their agents to locate common stockholders of Mission who do not claim all or any of the securities to be distributed by Mission, and (f) to require Mission to mail to its stockholders pertinent financial and descriptive data with respect to the three companies whose securities are being received by them under the plan, and to review the form and scope of such material prior to the mailing thereof.

It is further ordered and recited, That the steps and transactions itemized below involved in the consummation of the plan, as amended, are necessary or appropriate to the integration or simplification of the holding company system of which Sinclair, Mission, Southwestern, Canadian River Gas Company ("Canadian") and Colorado Interstate Gas Company ("Colorado") are members, and are necessary or appropriate to effectuate the provisions of section 11 (b) of the act and are hereby approved and authorized:

(1) The reclassification of the 40,806 presently outstanding shares of no par common stock of Southwestern into 727,757.05 shares of common stock of the par value of $5 each, and the issuance by Southwestern of new certificates evidencing said 727,757.05 shares of reclassified common stock to be outstanding in exchange for the certificates evidencing said 40,806 shares of no par common stock which are now outstanding.

(2) (a) The issuance by Westpan Hydrocarbon Company ("Westpan") to Canadian of 727,757.05 shares of the $0.10 par value common stock of Westpan, and (b) the conveyance by Canadian to Westpan, in exchange for said 727,757.05 shares of common stock of Westpan, of certain natural gasoline and other liquid hydrocarbons owned by Canadian in place and also 85 percent of the net earnings receivable by Canadian from the natural gasoline operations covered by the contract with Texoma Natural Gas Company (now merged

with Natural Gas Pipeline Company of America).

(3) The distribution by Canadian of 727,757.05 shares of $0.10 par value common stock of Westpan to Southwestern, the sole stockholder of Canadian.

(4) The distribution and transfer by Southwestern to its shareholders of 727,757.05 shares of the reclassified $5 par value common stock of Colorado to be received by Southwestern after the merger of Colorado and Canadian on the basis of one share of Colorado for each share of Southwestern.

(5) The distribution and transfer by Southwestern to its shareholders of 727,757.05 shares of $0.10 par value common stock of Westpan on the basis of one share of Westpan for each share of Southwestern.

(6) The distribution and transfer by Mission to its shareholders, in exchange for the surrender by the Mission stockholders of their shares of Mission for cancellation, of the following:

(a) 344,100 shares of the reclassified $5 par value common stock of Colorado received by Mission from Southwestern on the basis of one share of Colorado for each share of Mission.

(b) 344,100 shares of the $0.10 par value common stock of Westpan received by Mission from Southwestern on the basis of one share of Westpan for each share of Mission.

(c) 344,100 shares of the reclassified $5 par value common stock of Southwestern received by Mission from Southwestern in exchange for the 19,294 shares of old no-par common stock of Southwestern on the basis of one share of Southwestern for each share of Mission.

(d) Any remaining assets possessed by Mission after the payment of all its expenses on a pro-rata basis.

(7) The dissolution of Mission.

(8) The acquisition by Sinclair from Southwestern of 371,172.86 shares of the reclassified $5 par value common stock of Southwestern in exchange for the 20,812 shares of no par capital stock of Southwestern now owned by Sinclair.

(9) The acquisition by Sinclair from Southwestern of 371,172.86 shares of the $0.10 par value common stock of Westpan and of 371,172.86 shares of the reclassified $5 par value common stock of Colorado, such shares being Sinclair's pro-rata portion of the shares to be distributed by Southwestern to its stockholders.

(10) The acquisition by Sinclair from Mission of:

(a) 13,688 shares of the reclassified $5 par value common stock of Southwestern,

(b) 13,688 shares of the $0.10 par value common stock of Westpan, and

(c) 13,688 shares of the reclassified $5 par value common stock of Colorado, such shares being Sinclair's pro-rata portion of the shares being distributed by Mission pursuant to the plan.

(11) The sale, at public or private sale, by Sinclair of the 371,172.86 shares of the reclassified $5 par value common stock of Southwestern received by it in exchange for the 20,812 shares of no par capital stock of Southwestern now held by Sinclair.

(12) The sale, at public or private sale, by Sinclair of the 13,688 shares of reclassified $5 par value common stock of Southwestern to be received by it from Mission upon Mission's pro-rata distribution thereof to its shareholders.

(13) The sale, at public or private sale, by Sinclair, of the 371,172.86 shares of the $0.10 par value common stock of Westpan to be received by it from Southwestern upon Southwestern's pro-rata distribution thereof to its shareholders.

(14) The sale, at public or private sale, by Sinclair, of the 13,688 shares of the $0.10 par value common stock of Westpan to be received by it from Mission upon Mission's pro-rata distribution thereof to its shareholders.

(15) The sale, at public or private sale, by Sinclair, of the 371,172.86 shares of the reclassified $5 par value common stock of Colorado to be received by it from Southwestern upon Southwestern's pro-rata distribution thereof to its shareholders.

(16) The sale, at public or private sale, by Sinclair, of the 13,688 shares of the reclassified $5 par value common stock of Colorado to be received by it from Mission upon Mission's pro-rata distribution thereof to its shareholders.

(17) The investment by Sinclair of an amount equal to the proceeds of the above-mentioned sales by it of Southwestern, Westpan and Colorado stocks as a contribution to the capital of Sinclair Refining Company, a Maine corporation, and a wholly owned subsidiary of Sinclair.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-15382; Filed, Dec. 29, 1951; 8:45 a. m.]

[File No. 70-2634]

GENERAL PUBLIC UTILITIES CORP.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

DECEMBER 26, 1951.

The Commission having, by orders dated June 5, 1951 (Holding Company Act Release No. 10599), June 14, 1951 (Holding Company Act Release No. 10622), and July 10, 1951 (Holding Company Act Release No. 10667), granted and permitted to become effective an application-declaration pursuant to sections 6 (a), 7 and 12 (c) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42 and U-50 thereunder by General Public Utilities Corporation ("GPU"), a registered holding company, with respect to the issue and sale of 504,657 shares of additional common stock; and

The Commission having by order dated November 6, 1951 (Holding Company Act Release No. 10873) released jurisdiction over the payment of all fees and expenses enumerated therein in connection with the issue and sale of the additional common stock; and

GPU having subsequent to said order of November 6, 1951, filed a post-effective amendment to its application-declaration in which it states that it has been advised by Shearman & Sterling & Wright, General Counsel for GPU, that there was inadvertently omitted from the firm's statement of disbursements certain expenses totalling $645, and by the Marine Midland Trust Company of New York, the subscription and transfer agent for GPU, that there was omitted from its claim for compensation a request for payment of $12,501.08, representing services rendered and disbursements incurred as transfer agent; and

GPU having requested that the Commission release jurisdiction over these additional items; and

It appearing to the Commission that the additional expenses enumerated above are not unreasonable:

It is ordered, That jurisdiction be, and the same hereby is, released with respect to the proposed payments described herein.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-15380; Filed, Dec. 29, 1951; 8:45 a. m.]

[File No. 70-2733]

ARKANSAS NATURAL GAS CORP. AND ARKANSAS LOUISIANA GAS CO.

ORDER AUTHORIZING EXTENSION OF MATURITY OF PROMISSORY NOTES

DECEMBER 26, 1951.

Arkansas Natural Gas Corporation ("Arkansas Natural"), a registered holding company, and its subsidiary, Arkansas Louisiana Gas Company ("Arkansas Louisiana"), having filed a joint declaration and an amendment thereto pursuant to sections 6 (a), 7, and 12 (d) of the Public Utility Holding Company Act of 1935 ("act"), and Rule U-45 thereunder with respect to the following transactions:

Arkansas Louisiana has made certain loans from The Guaranty Trust Company of New York ("Guaranty") pursuant to a Loan Agreement dated October 15, 1947, and certain supplements thereto. At present, the amounts owed Guaranty aggregate $26,375,000, evidenced by a 2¼ percent installment promissory note in the principal amount of $6,875,000 (payable in semi-annual installments of $625,000 each to April 15, 1957), 2½ percent promissory notes in the principal amount of $2,500,000 due October 15, 1957, and 2¾ percent promissory notes in the principal amount of $17,000,000 due September 15, 1952.

Arkansas Louisiana proposes to enter into an agreement with Guaranty under which the maturity date, September 15, 1952, of the 2¾ percent notes, aggregating $17,000,000 principal amount, will be extended to March 15, 1954, and the interest rate thereon changed to 3¼ percent per annum effective October 19, 1951, the date of the proposed agreement. Each of said outstanding 2¾ percent notes is to be endorsed with a legend showing the extension of the maturity date, and the modification of the rate of interest effective Ocober 19, 1951.

In connection with the bank borrowings by Arkansas Louisiana referred to above, Arkansas Natural entered into an agreement with Arkansas Louisiana and Guaranty providing that Arkansas Louisiana's presently outstanding 4½ percent Sinking Fund Debenture due 1955 in the principal amount of $6,500,000 and held by Arkansas Natural, be subordinated to payment of the notes issued under the Loan Agreement, as supplemented. Arkansas Natural, Arkansas Louisiana, and Guaranty propose to enter into a letter agreement providing for the continuation of said subordination agreement with respect to the $17,000,000 principal amount of notes herein proposed to be extended and modified.

Fees and expenses in connection with the proposed transactions have been estimated at $2,300, of which $2,000 is for counsel fees.

Declarants request that the Commission's order herein become effective forthwith upon issuance.

Said declaration having been filed on October 26, 1951 and amendments having been filed on November 5, 1951, and December 14, 1951, notice of filing having been duly given in the form and manner prescribed in Rule U-23 under the act and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration, as amended, that the applicable provisions of the act and the rules and regulations thereunder have been satisfied, that the estimated fees and expenses are not unreasonable, and deeming it appropriate in the public interest and in the interest of investors or consumers to permit said declaration, as amended, to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions of Rule U-24, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-15384; Filed, Dec. 29, 1951; 8:46 a. m.]

[File No. 70-2746]

STANDARD POWER AND LIGHT CORP. AND STANDARD GAS AND ELECTRIC CO.

ORDER PERMITTING ONE-YEAR EXTENSION OF MATURITY OF NOTE OF SUBSIDIARY HELD BY PARENT COMPANY

DECEMBER 26, 1951.

Standard Power and Light Corporation ("Standard Power"), a registered holding company, and its subsidiary, Standard Gas and Electric Company ("Standard Gas"), also a registered holding company, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") with respect to the following proposed transaction:

Standard Power is the holder of a 4 percent unsecured promissory note issued by Standard Gas in the principal amount of $983,930. Such note originally was due October 10, 1949, but was extended to October 10, 1950, and thereafter to October 10, 1951, by agreement of the parties and with the approval of the Commission. (See Holding Company Act Release Nos. 9402 and 10137.) Such note was issued pursuant to authorization of the Commission (File No. 70-1211) in lieu of the payment of cash by Standard Gas to Standard Power in retirement of the latter's holdings of certain notes and debentures of Standard Gas. Such authorization permitted the issuance of the note by Standard Gas "upon the condition that Standard Power and Light Corporation hold such note subject to the infirmities, if any, which presently inhere in its holdings of notes and debentures of Standard Gas and Electric Company and without prejudice to the right of the Commission to take such further action as may from time to time be appropriate under the applicable provisions of the act and the rules and regulations thereunder." The nature or extent of the aforementioned infirmities, if any, not having been determined, the original maturity date of such note was extended, as previously indicated, in order to maintain the status quo.

On November 26, 1951, Standard Gas and Standard Power filed an application under section 11 (e) of the act (File No 54-191) for approval of an agreement dated July 28, 1951, between Standard Gas, Standard Power and Daniel O. Hastings, as Special Trustee of Standard Gas, in which the parties to said agreement agreed upon a settlement of all claims between Standard Gas and Standard Power (except claims of Standard Power arising out of its ownership of stocks of Standard Gas and Philadelphia Company) including the claim of Standard Power against Standard Gas represented by said note. Such settlement provides that (a) Standard Gas will deliver 31,000 shares of Duquesne Light Company Common Stock to Standard Power, (b) Standard Power will cancel and deliver to Standard Gas the aforementioned note of Standard Gas, (c) Standard Gas and Standard Power will exchange covenants not to sue (the covenant given by Standard Power will not affect its claims arising by reason of ownership of stocks of Standard Gas and Philadelphia Company), (d) Standard Gas will pay to the Special Trustee a sum not exceeding $40,000 for his fees and expenses and those of his counsel, and (e) the Special Trustee will dismiss the action instituted by him against Standard Power in the Court of Chancery of New Castle County, Delaware, and will deliver a covenant not to sue Standard Power and Standard Gas or any of its officers or directors, past, present or future by reason of any claims which may have been or may be asserted against them on behalf of Standard Gas or the Special Trustee, respectively.

Applicants-declarants by the instant filing request that the maturity of the note be extended for an additional year so that the status quo can be preserved pending this Commission's and the appropriate court's approval of the settlement of the claims, as outlined above.

Said application-declaration having been filed on November 20, 1951, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for a hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that said application-declaration satisfies the requirements of the applicable provisions of the act and the rules thereunder, that no adverse findings are necessary in connection with the proposed transaction, and that the application-declaration should be granted and permitted to become effective forthwith without the imposition of terms and conditions other than contained in Rule U-24:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of the act, that the application-declaration be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-15381; Filed, Dec. 29, 1951; 8:45 a. m.]

UNITED STATES TARIFF COMMISSION

BONITO, CANNED IN OIL; AND TUNA AND BONITO, CANNED, NOT IN OIL

NOTICE OF INVESTIGATION AND ORDER FOR PUBLIC HEARING

The United States Tariff Commission, on the 28th day of December 1951 instituted an investigation under the authority of section 7 of the Trade Agreements Extension Act of 1951, approved June 16, 1951, and Section 332 of the Tariff Act of 1930, to determine whether the products described below are, as a result, in whole or in part, of the duty or other customs treatment reflecting any of the concessions granted on such products in the trade agreement with Iceland signed August 27, 1943, in the General Agreement on Tariffs and Trade, and in the exclusive trade agreement with Cuba signed October 30, 1947, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Tariff Act of 1930:	*Description of product*
Par. 718 (a)	Bonito, prepared or preserved in any manner, when packed (in air-tight containers) in oil or in oil and other substances.
Par. 718 (b)	Tuna and bonito, prepared or preserved in any manner, when packed in air-tight containers weighing with their contents not more than 15 pounds each (except such fish packed in oil or in oil and other substances).

Inspection of applications. Applications for this investigation were made on November 28, 1951, by the California Fish Canners Association and on various later dates by certain other parties. The applications originally included a number of products in addition to those specified above, but the applications were subsequently withdrawn with respect to such other products. The applications filed with the Commission are available for public inspection at the office of the Secretary, U. S. Tariff Commission, 8th and E Streets NW., Washington, D. C., and in the New York office of the Tariff Commission, located in Room 437 of the Customhouse.

Public hearing. A public hearing in this investigation at which all parties interested will be given opportunity to be present, to produce evidence, and to be heard, was ordered by the Tariff Commission, to be held on January 29, 1952, in the Hearing Room, Tariff Commission Building, 8th and E Streets NW, Washington, D. C. The hearing will open at 10 a. m.

Request to appear. Parties desiring to appear at the public hearing should notify the Secretary of the Commission in writing at its office in Washington, D. C., in advance of the hearing.

I certify that the above investigation was instituted and public hearing was ordered by the Tariff Commission on the 28th day of December 1951.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 51-15443; Filed, Dec. 28, 1951; 4:44 p. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 76, Amdt. 1]

SKYWAY LUGGAGE CO.

CEILING PRICES AT RETAIL

Statement of considerations. This amendment to Special Order 76 establishes new retail ceiling prices for certain of the applicant's branded articles. These new retail ceiling prices are listed in paragraph 1 of the special order and marked with an asterisk. The ceiling prices established prior to this amendment and still in effect are listed without an asterisk.

The Director has determined, on the basis of information available to him, that the retail ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

Amendatory provisions. Special Order 76 under Ceiling Price Regulation 7, section 43, is amended in the following respects:

1. Delete paragraph 1 of the special order and substitute therefor the following:

1. The following ceiling prices are established for sales by any seller at retail of luggage manufactured or distributed by the Skyway Luggage Company having the brand names "Skyway" and described in the manufacturer's application dated April 26, 1951, and supplemented and amended by the manufacturer's application dated November 1, 1951.

The ceiling prices listed below which are marked with an asterisk shall become effective on receipt of a copy of this order by the retailer, but in no event later than 30 days after the effective date of this order. Ceiling prices not marked with an asterisk are effective upon the effective date of this order. Sales may, of course, be made below the retail ceiling prices.

The selling prices to retailers listed below are subject to terms of 2 percent 10 days, net 30; l. c. l. freight allowed on factory shipments of 100 pounds or more.

Selling price to retailers (per unit):	*Ceiling price at retail (per unit)*
$4.23	$7.50
$5.13	9.00
$8.41	14.75
$8.98	15.75
$9.55	16.75
$10.12	17.75
$11.40	20.00
$12.97	22.75
$14.25	25.00
$15.82	27.75
$19.24	33.75
$20.52	36.00
$20.95	36.75
$21.38	37.50
$22.80	40.00
$23.80	41.75
$25.65	45.00
$27.08	47.50
$28.50	50.00
$30.07	52.75
$31.35	55.00
$32.49	57.00
$34.20	60.00
$37.05	65.00
$38.19	67.00
$39.90	70.00
$42.75	75.00
$45.32	79.50
$48.45	85.00
$57.00	100.00
$60.99	107.00
$17.10	$2.50
$39.33	5.75
$46.17	6.75
Per set:	*Per set*
$28.47	*49.95

2. Delete paragraph 4 of the special order and substitute therefor the following:

4. Within 15 days after the effective date of this special order the supplier shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the supplier had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto issued prior to the date of the delivery.

Within 15 days after the effective date of any subsequent amendment to this special order, the supplier shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the supplier had delivered any article the sale of which is affected in any manner by the amendment.

Effective date. This amendment shall become effective December 20, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

DECEMBER 20, 1951.

[F. R. Doc. 51-15254; Filed, Dec. 20, 1951; 4:48 p. m.]

[Ceiling Price Regulation 7, Section 43, Appendix to Special Order 409]

NATIONAL-ROSE CO.

MANUFACTURER'S SELLING PRICES AND CEILING PRICES AT RETAIL

The following appendix to Special Order 409 under Section 43, Ceiling Price Regulation 7, effective August 16, 1951, issued to The National-Rose Company, 80-82 West Virginia Avenue, Memphis, Tennessee, covering mattresses and box springs having the brand names "Southern Belle Quiltrest," "Serta Serta Foam," "Serta Perfect Sleeper Orthopedic," "Serta Restal Knight Deluxe," "Serta-Rest," "Serta Sertaflex," "Serta Smoothrest Deluxe," "Serta Perfect Sleeper," "Serta Perfect Sleeper Imperial," "Serta Perfect Sleeper Deluxe," "Southern Beauty," "Southern Texlite," "Southern Orthopedic," "Southern Cushion Flex," "Southern Maid," and "Southern Queen," lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

Appendix. The manufacturer's selling prices are subject to the following terms:

WOVEN Manufacturer's selling price (per unit):	*Ceiling prices at retail (per unit)*
$24.95	$39.50
$28.75 through $30.50 less $0.50 Pro fee	[1] 49.50
$30.95 less $0.50 Pro fee	59.50
DAMASK	
$27.50	39.50
$29.75 through $31.50 less $0.50 Pro fee	[1] 49.50
$32.00 through $35.75 less $0.50 Pro fee	[1] 59.50
$36.95 through $38.75 less $1.00 Pro fee	[1] 69.50
$46.75 less $1.00 Pro fee	79.50
$94.75	69.75 79.75

[1] Mattress and box spring having the brand name Southern Maid (Woven) in the manufacturer's application dated May 23, 1951, so long as they have a manufacturer's selling price of $30.50 per unit, less 50 cents

pro fee, also has a ceiling price at retail of $59.50 per unit.

[2] Mattress and box spring having the brand name Southern Maid (Damask) in the manufacturer's application dated May 28, 1951, so long as they have a manufacturer's selling price of $31.50 per unit, less 50 cents pro fee, also has a ceiling price at retail of $59.50 per unit.

[3] Mattresses and box springs having the brand names Southern Beauty and Restal Knight Deluxe in the manufacturer's application dated May 28, 1951, so long as they have a manufacturer's selling price of $32.00 per unit, less $1.00 pro fee, also have a ceiling price at retail of $59.50 per unit.

Mattresses and box springs having the brand names Southern Belle Quiltrest and Southern Texlite in the manufacturer's application dated May 28, 1951, so long as they have a manufacturer's selling price of $34.75 per unit, less $1.00 pro fee, also have a ceiling price at retail of $69.50 per unit.

Box spring having the brand name Perfect Sleeper Imperial in the manufacturer's application dated May 28, 1951, so long as it has a manufacturer's selling price of $34.75 per unit less $1.00 pro fee, also has a ceiling price at retail of $79.50 per unit.

Mattress and box spring having the brand name Perfect Sleeper in the manufacturer's application dated May 28, 1951, so long as they have a manufacturer's selling price of $35.75 per unit, less $1.00 pro fee, also have a ceiling price at retail of $59.50 per unit.

[4] Mattress and box spring having the brand name Southern Orthopedic in the manufacturer's application dated May 28, 1951, so long as they have a manufacturer's selling price of $36.95 per unit, less $1.50 pro fee, also have a ceiling price at retail of $69.50 per unit.

Mattress and box spring having the brand name Perfect Sleeper Orthopedic in the manufacturer's application dated May 28, 1951, so long as they have a manufacturer's selling price of $36.95 per unit, less $1.50 pro fee, also have a ceiling price at retail of $79.50 per unit.

MICHAEL V. DISALLE,
Director of Price Stabilization.

DECEMBER 20, 1951.

[F. R. Doc. 51-15264; Filed, Dec. 20, 1951; 4:51 p. m.]

[Ceiling Price Regulation 7, Section 43, Appendix to Special Order 459]

W. F. WHITNEY CO., INC.

MANUFACTURER'S SELLING PRICES AND CEILING PRICES AT RETAIL

The following appendix to Special Order 459 under Section 43, Ceiling Price Regulation 7, effective August 17, 1951, issued to W. F. Whitney Company, Inc., Pleasant Street, South Ashburnham, Massachusetts covering household furniture having the brand name "Whitney" lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

Appendix. The manufacturer's selling prices are subject to the following terms: 2 percent 30/Net 60 days.

UPHOLSTERED FURNITURE

Manufacturer's selling price (per unit):	Ceiling prices at retail (per unit)
$5.25	$10.50
$7.50	15.00
$8.50	17.00
$9.00	18.00
$10.00	20.00

UPHOLSTERED FURNITURE—Continued

Manufacturer's selling price (per unit):	Ceiling prices at retail (per unit)
$10.50	$21.00
$11.00	22.00
$11.50	23.00
$12.00	24.00
$12.50	25.00
$13.00	26.00
$14.00	28.00
$14.50	29.00
$15.00	30.00
$15.50	31.00
$16.00	32.00
$31.50	63.00
$34.50	69.00
$36.00	72.00
$37.00	74.00
$38.00	76.00
$39.00	78.00
$41.00	82.00
$43.50	87.00
$44.00	88.00
$47.50	95.00
$48.00	96.00
$48.50	97.00
$49.00	98.00
$49.50	99.00
$50.00	100.00
$50.50	101.00
$51.00	102.00
$51.50	103.00
$52.00	104.00
$53.00	106.00
$53.50	107.00
$54.00	108.00
$55.00	110.00
$55.50	111.00
$56.00	112.00
$56.50	113.00
$57.00	114.00
$57.50	115.00
$58.00	116.00
$58.50	117.00
$59.00	118.00
$60.50	121.00
$61.00	122.00
$62.50	125.00
$63.00	126.00
$65.50	131.00
$69.50	139.00
$73.50	147.00
$75.00	150.00
$77.50	155.00
$81.00	162.00
$82.00	164.00
$83.50	167.00
$84.00	168.00
$85.00	170.00
$85.50	171.00
$86.00	172.00
$86.50	173.00
$87.00	174.00
$88.00	176.00
$88.50	177.00
$89.00	178.00
$89.50	179.00
$90.00	180.00
$91.00	182.00
$91.50	183.00
$92.00	184.00
$93.00	186.00
$93.50	187.00
$94.00	188.00
$94.50	189.00
$96.00	192.00
$97.50	195.00
$98.50	197.00
$99.00	198.00
$99.50	199.00
$101.50	203.00
$102.50	205.00
$103.00	206.00
$103.50	207.00
$104.50	209.00
$109.00	218.00
$115.50	231.00
$116.00	232.00
$118.50	237.00
$127.00	254.00

UPHOLSTERED FURNITURE—Continued

Manufacturer's selling price (per unit):	Ceiling prices at retail (per unit)
$131.00	$262.00
$131.50	263.00
$135.00	270.00
$135.50	271.00
$139.50	279.00
$140.00	280.00
$141.00	282.00
$144.50	289.00
$145.00	290.00
$146.00	292.00
$149.00	298.00
$155.00	310.00
$156.00	312.00
$157.50	315.00
$159.50	319.00
$160.00	320.00
$162.50	325.00
$164.00	328.00
$166.00	332.00
$167.00	334.00
$167.50	335.00
$169.00	338.00
$169.50	339.00
$170.00	340.00
$172.50	345.00
$173.00	346.00
$173.50	347.00
$175.00	350.00
$176.00	352.00
$177.50	355.00
$178.00	356.00
$178.50	357.00
$179.00	358.00
$181.50	363.00
$182.50	365.00
$183.00	366.00
$183.50	367.00
$185.50	371.00
$187.00	374.00
$189.50	379.00
$192.50	385.00
$196.00	392.00
$196.50	393.00
$197.00	395.00
$197.50	395.00
$198.50	397.00
$199.50	399.00
$205.00	410.00
$207.00	415.00
$211.50	423.00

BEDROOM, DINING ROOM AND OCCASIONAL FURNITURE

$9.90	$19.80
$10.50	21.00
$11.00	22.00
$11.25	22.50
$11.50	23.00
$13.75	27.50
$14.25	28.50
$14.75	29.50
$16.00	32.00
$16.25	32.50
$16.50	33.00
$17.25	34.50
$17.50	35.00
$18.75	37.50
$19.00	38.00
$19.50	39.00
$19.75	39.50
$20.75	41.50
$21.25	42.50
$21.75	43.50
$22.00	44.00
$22.25	44.50
$22.75	45.50
$23.25	46.50
$24.50	49.00
$26.00	52.00
$26.25	52.50
$26.75	53.50
$27.25	54.50
$28.25	56.50
$28.75	57.50
$29.50	59.00
$32.25	64.50
$34.50	69.00

BEDROOM, DINING ROOM AND OCCASIONAL FURNITURE—Continued

Manufacturer's selling price (per unit):	Ceiling prices at retail (per unit)
$34.75	$69.50
$36.26	72.50
$37.25	74.50
$39.50	79.00
$39.75	79.50
$43.75	87.50
$44.50	89.00
$44.75	89.50
$49.50	99.00
$54.50	109.00
$54.75	109.50
$57.50	115.00
$59.50	119.00
$59.75	119.50
$64.50	129.00
$64.75	129.50
$65.00	130.00
$69.75	139.50
$71.00	142.00
$74.50	149.00
$74.75	149.50
$76.00	152.00
$77.25	154.50
$79.50	159.00
$82.25	164.50
$85.00	170.00
$87.25	174.50
$87.50	175.00
$94.50	189.00
$97.50	195.00
$99.50	199.00
$99.75	199.50
$104.50	209.00
$109.50	219.00
$112.25	224.50
$119.50	239.00
$124.50	249.00
$129.50	259.00
$132.00	264.00
$132.25	264.50
$149.25	298.50
$192.50	385.00

MICHAEL V. DISALLE,
Director of Price Stabilization.

DECEMBER 20, 1951.

[F. R. Doc. 51-15267; Filed, Dec. 20, 1951; 4:51 p. m.]

[Ceiling Price Regulation 7, Section 43, Appendix to Special Order 349]

GOTHIC JARPROOF WATCH CORP.

MANUFACTURER'S SELLING PRICE AND CEILING PRICES AT RETAIL

The following appendix to Special Order 349 under Section 43, Ceiling Price Regulation 7, effective August 10, 1951 issued to Gothic Jarproof Watch Corp., 37 West 57th Street, New York 19, New York, covering men's and ladies' watches having the brand name "Gothic Jarproof Watches" lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

Appendix. The manufacturer's selling prices are subject to the following terms: 2/10 EOM, net 60.

Manufacturer's selling price (per unit):	Ceiling prices at retail (per unit)
$13.50 through $13.95	$29.75
$14.45 through $14.95	[1] 33.75
$15.50 through $16.45	[2] 37.50
$16.95 through $17.95	[3] 39.75
$18.95	[4] 45.00
$19.95	[5] 47.50
$20.95 through $22.95	[6] 49.75
$23.95 through $24.95	[7] 55.00
$25.95	[8] 59.75
$27.95	[9] 62.50
$28.95 through $30.95	69.75
$32.95 through $33.95	71.50
$38.95	120.00
$43.95	125.00

[1] Watches having the style names Miss Clara and Miss Florence in the manufacturer's application dated May 25, 1951, so long as they have a manufacturer's selling price of $14.95 per unit, shall have a ceiling price at retail of $37.50 per unit, and the maunfacturer's selling price shall carry terms of 2/10 EOM Net 60.

[2] Watches having the style names Miss Ann, Miss Cora, Miss Francine, and Valiant Jr. in the manufacturer's application dated May 25, 1951, so long as they have a manufacturer's selling price of $15.95 per unit, shall have a ceiling price at retail of $39.75 per unit, and the manufacturer's selling price shall carry terms of 2/10 EOM Net 60.

[3] Watches having the style names Betty, Binnie, Connie, Edith, Elaine, Eva, Faye, Gloria, Globe-Trotter, Iris, Jane, Mariner A, Mariner AA, Marian, Mimi, Missy, Planet B, Ronnie, Stella in the manufacturer's application dated May 25, 1951, so long as they have a manufacturer's selling price of $17.95 per unit, shall have a ceiling price at retail of $42.50 per unit, and the manufacturer's selling price shall carry terms of 2/10 EOM Net 60.

[4] Watch having the style name Triumph in the manufacturer's application dated May 25, 1951, so long as it has a manufacturer's selling price of $18.95 per unit, shall having a ceiling price at retail of $49.75 per unit, and the manufacturer's selling price shall carry terms of 2/10 EOM Net 60.

[5] Watches having the style names Lily and Valiant in the manufacturer's application dated May 25, 1951, so long as they have a manufacturer's selling price of $19.95 per unit, shall have a ceiling price at retail of $49.75 per unit, and the manufacturer's selling price shall carry terms of 2/10 EOM Net 60.

[6] Watches having the style names Alice, Amy, Bonnie, Gale, Greta, Jean, Margie, Norma and Wanda in the manufacturer's application dated May 25, 1951, so long as they have a manufacturer's selling price of $19.95 per unit, shall have a ceiling price at retail of $52.50 per unit, and the manufacturer's selling price shall carry terms of 2/10 EOM Net 60.

[7] Watches having the style names Professional, Rita, Rose, Ranger and Townsman in the manufacturer's application dated May 25, 1951, so long as they have a manufacturer's selling price of $21.95 per unit, shall have a ceiling price at retail of $52.50 per unit, and the manufacturer's selling price shall carry terms of 2/10 EOM Net 60.

[8] Watch having the style name Duke in the manufacturer's application dated May 25, 1951, so long as it has a manufacturer's selling price of $21.95 per unit, shall have a ceiling price at retail of $55.00 per unit, and the manufacturer's selling price shall carry terms of 2/10 EOM Net 60.

[9] Watches having the style names Lois and Leader in the manufacturer's application dated May 25, 1951, so long as they have a manufacturer's selling price of $22.95 per unit, shall have a ceiling price at retail of $52.50 per unit, and the manufacturer's selling price shall carry terms of 2/10 EOM Net 60.

[1] Watch having the style name Viceroy in the manufacturer's application dated May 25, 1951, so long as it has a manufacturer's selling price of $22.95 per unit, shall have a ceiling price at retail of $55.00 per unit, and the manufacturer's selling price shall carry terms of 2/10 EOM Net 60.

[2] Watch having the style name Senator in the manufacturer's application dated May 25, 1951, so long as it has a manufacturer's selling price of $22.95 per unit, shall have a ceiling price at retail of $59.75 per unit, and the manufacturer's selling price shall carry terms of 2/10 EOM Net 60.

[3] Watches having the style names April, Coronado, Estelle, Janice, Junior Miss, Nancy, Pamela, Pat, Phyllis and Regent in the manufacturer's application dated May 25, 1951, so long as they have a manufacturer's selling price of $23.95 per unit, shall have a ceiling price at retail of $59.75 per unit, and the manufacturer's selling price shall carry terms of 2/10 EOM Net 60.

[4] Watches having the style names Sandra, Sonia, Tina and Violet in the manufacturer's application dated May 25, 1951, so long as they have a manufacturer's selling price of $24.95 per unit, shall have a ceiling price at retail of $62.50 per unit, and the manufacturer's selling price shall carry terms of 2/10 EOM Net 60.

[5] Watches having the style names Ellen, Olympia and Prince in the manufacturer's application dated May 25, 1951, so long as they have a manufacturer's selling price of $25.95 per unit, shall have a ceiling price at retail of $62.50 per unit, and the manufacturer's selling price shall carry terms of 2/10 EOM Net 60.

[6] Watches having the style names Agnes, Ada, Adrian, Alma and Renee in the manufacturer's application dated May 25, 1951, so long as they have a manufacturer's selling price of $27.95 per unit, shall have a ceiling price at retail of $67.50 per unit, and the manufacturer's selling price shall carry terms of 2/10 EOM Net 60.

MICHAEL V. DISALLE,
Director of Price Stabilization.

DECEMBER 20, 1951.

[F. R. Doc. 51-15261; Filed, Dec. 20, 1951; 4:50 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 206, Amdt. 1]

WHEARY, INC.

CEILING PRICES AT RETAIL

Statement of considerations. This amendment to Special Order 206 establishes new retail ceiling prices for certain of the applicant's branded articles. These new retail ceiling prices are listed in paragraph 1 of the special order and marked with an asterisk. The ceiling prices established prior to this amendment and still in effect are listed without an asterisk.

The Director has determined, on the basis of information available to him, that the retail ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

Amendatory provisions. Special Order 206 under Ceiling Price Regulation 7, section 43, is amended in the following respects:

1. Delete paragraph 1 of the special order and substitute therefor the following:

1. The following ceiling prices are established for sales by any seller at retail of luggage and trunks manufactured or distributed by Wheary, Incorporated having the brand name(s) "Prom Queen", "Taper-Tweed", "Diagonal Tweed", "Tailored", "Side-Saddle", "Dude Ranch", "Streamgard", "Colonel", "Weskit Colonel", "Thoroughbred",

"Vanity", and "Whearilite" and described in the manufacturer's application dated April 10, 1951, and supplemented and amended by the manufacturer's application(s) dated May 18, 1951, May 24, 1951 and August 27, 1951.

The ceiling prices listed below which are marked with an asterisk shall become effective on receipt of a copy of this order by the retailer, but in no event later than 30 days after the effective date of this order. Ceiling prices not marked with an asterisk are effective upon the effective date of this order. Sales may, of course, be made below the retail ceiling prices.

The selling prices to retailers listed below are subject to the terms of 2 percent 10 days, E. O. M. Net Thereafter (No Anticipation) F. O. B. Racine, Wisconsin.

Selling price to retailer (per unit):	Ceiling price at retail (per unit)
$12.75	$22.50
$15.50	27.00
$17.00	29.50
$18.50	32.00
$19.00	33.00
$20.00	35.00
$20.43	36.00
$22.50	*37.50
$22.80 through $23.00	40.00
$23.50	40.50
$24.00	42.50
$25.00	41.50
$26.00	45.00
$27.00	*47.50
$28.40 through $28.50	50.00
$29.14	51.50
$29.45 through $29.50	[12] 52.00
$29.75 through $30.00	52.50
$30.88	54.50
$31.00	*55.00
$31.96 through $32.50	[3] 56.50
$34 through $35.00	[4] 60.00
$35.15	61.50
$36.50	64.00
$36.98 through $37.00	65.00
$38.50 through $39.00	[5] 67.50
$40.00 through $41.45	[6 7] 72.50
$42.30 through $42.50	[8] 75.00
$42.75	76.00
$44.00	77.50
$44.65 through $45.00	79.50
$45.13 through $46.05	80.00
$46.75	*82.50
$47.50	84.00
$49.35 through $50.00	87.50
$51.70 through $52.30	92.50
$53.55 through $54.00	95.00
$56.40 through $56.50	100.00
$57.50	102.00
$58.50	104.00
$59.87 through $61.10	107.50
$64.50	113.50
$65.80	115.00
$67.50	117.00
$72.50	127.50
$73.68	132.50
$80.00	138.50
$82.89	145.00
$92.10	160.00

[1] Luggage having the style number 970–51 in the manufacturer's application dated August 27, 1951, so long as it has a manufacturer's selling price of $29.50 per unit, shall have a ceiling price at retail of $50.00* per unit, and the manufacturer's selling price shall carry terms of 2/10 E. O. M. Net Thereafter (No Anticipation) F. O. B. Racine, Wisconsin.

[2] Luggage having the style numbers 200–51 and 201–51 in the manufacturer's application dated May 24, 1951, so long as they have a manufacturer's selling price of $29.50 per unit, shall have a ceiling price at retail of $52.50 per unit, and the manufacturer's selling price shall carry terms of 2/10 E. O. M. Net Thereafter (No Anticipation) F. O. B. Racine, Wisconsin.

[3] Luggage having the style numbers 230–20, 230–50, 231–20 and 231–50 in the manufacturer's application dated May 24, 1951, so long as they have a manufacturer's selling price of $32.30 per unit, shall have a ceiling price at retail of $57.00 per unit, and the manufacturer's selling price shall carry terms of 2/10 E. O. M. Net Thereafter (No Anticipation) F. O. B. Racine, Wisconsin.

[4] Luggage having the style numbers 152–4 and 153–4 in the manufacturer's application dated May 24, 1951, so long as they have a manufacturer's selling price of $34.78 per unit, shall have a ceiling price at retail of $61.50 per unit, and the manufacturer's selling price shall carry terms of 2/10 E. O. M. Net Thereafter (No Anticipation) F. O. B. Racine, Wisconsin.

[5] Luggage having the style numbers 230–15 and 231–15 in the manufacturer's application dated May 24, 1951, so long as they have a manufacturer's selling price of $38.95 per unit, shall have a ceiling price at retail of $68.50 per unit, and the manufacturer's selling price shall carry terms of 2/10 E. O. M. Net Thereafter (No Anticipation) F. O. B. Racine, Wisconsin.

[6] Luggage having the style numbers 408–65, 410–65 and 412–65 in the manufacturer's application dated May 24, 1951, so long as they have a manufacturer's selling price of $41.00 per unit, shall have a ceiling price at retail of $71.00 per unit, and the manufacturer's selling price shall carry terms of 2/10 E. O. M. Net Thereafter (No Anticipation) F. O. B. Racine, Wisconsin.

[7] Luggage having the style numbers 804–3, 804–45, 804–65, 805–3, 805–45, 805–65, 806–3, 806–45 and 806–65 in the manufacturer's application dated May 24, 1951 so long as they have a manufacturer's selling price of $41.00 per unit, shall have a ceiling price at retail of $72.00 per unit, and the manufacturer's selling price shall carry terms of 2/10 E. O. M. Net Thereafter (No Anticipation) F. O. B. Racine, Wisconsin.

[8] Luggage having the style numbers 200–27 and 201–27 in the manufacturer's application dated May 24, 1951, so long as they have a manufacturer's selling price of $42.50 per unit shall have a ceiling price at retail of $74.00 per unit, and the manufacturer's selling price shall carry terms of 2/10 E. O. M. Net Thereafter (No Anticipation) F. O. B. Racine, Wisconsin.

2. Delete paragraph 4 of the special order and substitute therefor the following:

4. Within 15 days after the effective date of this special order the supplier shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the supplier had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto issued prior to the date of the delivery.

Within 15 days after the effective date of any subsequent amendment to this special order, the supplier shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the supplier had delivered any article the sale of which is affected in any manner by the amendment.

Effective date. This amendment shall become effective December 20, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

DECEMBER 20, 1951.

[F. R. Doc. 51–15257; Filed, Dec. 20, 1951; 4:49 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 678, Amdt. 1]

CORY CORP.

CEILING PRICES AT RETAIL

Statement of considerations. This amendment to Special Order 678 establishes new retail ceiling prices for certain of the applicant's branded articles. These new retail ceiling prices are listed in paragraph 1 of the special order and marked with an asterisk. The ceiling prices established prior to this amendment and still in effect are listed without an asterisk.

The Director has determined, on the basis of information available to him, that the retail ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

Amendatory provisions. Special Order 678 under Ceiling Price Regulation 7, section 43, is amended in the following respects:

1. Delete paragraph 1 of the special order and substitute therefor the following:

1. The following ceiling prices are established for sales by any seller at retail of electric coffee and tea brewers and servers, mixing bowls, fans, fanettes, console circulators, heaterettes, room humidifiers, knife sharpeners, coffee grinders, stoves with cords, hostess sets and filter rods manufactured or distributed by the Cory Corporation having the brand name "Cory", "Nicro", and "Fresh'nd-Aire" and described in the manufacturer's application dated August 20, 1951, and supplemented and amended by the manufacturer's applications dated August 28, 1951, September 25, 1951, and October 26, 1951.

The ceiling prices listed below which are marked with an asterisk shall become effective on receipt of a copy of this order by the retailer, but in no event later than 30 days after the effective date of this order. Ceiling prices not marked with an asterisk are effective upon the effective date of this order. Sales may, of course, be made below the retail ceiling prices.

Lot number and description	Ceiling price at retail (per unit)
DCR—Cory glass filter rod	$0.60
GL247—Nicro stainless steel filter—8 cup	.75
CF12—Nicro stainless steel filter—12 cup	1.00
DTD—Cory glass tea brewer	2.95
DKG–S—Cory 8 cup brewer	*2.95
M92—Nicro stainless steel mixing bowls	3.95
DKG—Cory rubber bushing glass brewer 4–8 cup, Deo-Less Cory	4.95
DNG—Cory rubberless model glass brewer 2–4 cups	5.45

Lot number and description	Ceiling price at retail (per unit)
DEO—Stove with cord, DCG—Cory royal rubberless glass brewer 4–8 cups	$5.95
DIG—Cory imperial rubberless glass brewer 8–12 cups, DES—Cory stove with cord	6.95
LB501—Nicro coffee brewing and serving accessory—8 cup	8.95
LC15B—Nicro coffee brewing and serving accessory—12 cup	10.75
500—Nicro stainless steel coffee brewer 8 cup	11.95
80—Fresh'nd-Aire fanette 8" standard	12.95
80—DX—Fresh'nd-Aire fanette 8" deluxe	13.95
DKS—2—Cory electric knife sharpener	14.95
1512B—N:CRO—Stainless steel coffee brewer—12 cup	15.95
1320—Fresh'nd-Aire heaterette	16.95
100—Fresh'nd-Aire fanette 10" standard, W800—Fresh'nd-Aire 3 way window fan 8"	18.50
100DX—Fresh'nd-Aire fanette 10" deluxe	19.50
DQE—Cory hostess set, W1000—Fresh'nd-Aire 3 way window fan 10"	24.95
EAB—Cory electric Automatic Coralume—coffee brewer	28.95
DEG—Cory electric coffee grinder, 90—Fresh'nd-Aire "console" circulator 9"	29.95
ACB—Cory electric automatic custom coffee brewer	34.95
120—Fresh'nd-Aire "console" circulator 12"	37.95
700—Fresh'nd-Aire electric room humidifier, 300—Fresh'nd-Aire Wall-Aire	39.95
F12—Fresh'nd-Aire floor circulator	49.95

2. Delete paragraph 3 of the special order and substitute therefor the following:

3. *Notification to resellers*—(a) *Notices to be given by applicant.* (1) after receipt of this special order, a copy of this special order shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in paragraph 1 of this special order.

(2) Within 15 days after the effective date of this special order, the applicant shall send a copy of this special order to each purchaser for resale to whom within two months immediately prior to the receipt of this special order the applicant had delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same manner.

(4) The applicant must supply each purchaser for resale other than a retailer with sufficient copies of this special order and any amendment to permit such purchasers for resale to comply with the notification requirements of this special order.

(b) *Notices to be given by purchasers for resale (other than retailers).* (1) A copy of this special order shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within 15 days of receipt of this special order, each purchaser for resale (other than retailers) shall send a copy of the order to each of his purchasers to whom, within 2 months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner.

Effective date. This amendment shall become effective December 20, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

DECEMBER 20, 1951.

[F. R. Doc. 51-15273; Filed, Dec. 20, 1951; 4:53 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 767]

RUDOLPH R. SIEBERT CO.

CEILING PRICES AT RETAIL AND WHOLESALE

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Rudolph R. Siebert Company, 183 St. Paul Street, Rochester 4, New York, has applied to the Office of Price Stabilization for maximum resale prices for retail and wholesale sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant and intermediate distributors are required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. *Ceiling prices.* The ceiling prices for sales at retail and wholesale of silver polish sold through retailers and wholesalers and having the brand name(s) "Pernet" shall be the proposed retail and wholesale ceiling prices listed by Rudolph R. Siebert Company, 183 St. Paul Street, Rochester 4, New York, hereinafter referred to as the "applicant" in its application dated November 10, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than February 25, 1952, no seller at retail or wholesale may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

2. *Marking and tagging.* On and after February 25, 1952, Rudolph R. Siebert Company must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $———

On and after March 26, 1952, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to March 26, 1952, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply as to each such article with the preticketing requirements of this paragraph within 60 days after the effective date of the amendment. After 90 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 90-day period, unless the article is so ticketed, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

3. *Notification to resellers*—(a) *Notices to be given by applicant.* (1) After receipt of this special order, a copy of this special order and the notice described below shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in paragraph 1 of this special order.

(2) Within fifteen days after the effective date of this special order, the applicant shall send a copy of this special order and the notice described below to each purchaser for resale to whom within two months immediately prior to the receipt of this special order the applicant had delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described below.

(4) The applicant shall annex to this special order or amendment a notice listing the style or lot number, name, or other description of each item covered by this special order or amendment and its corresponding retail ceiling price and corresponding wholesale ceiling price. The notice shall be in substantially the following form:

(Column 1) Item (style or lot number or other description)	(Column 2) Retailer's ceiling price for articles listed in column 1	(Column 3) Wholesaler's ceiling price for articles listed in column 1
----------	$----------	$----------

(5) Within 15 days after the effective date of this special order or any amendment thereto, two copies of the ceiling price notice above described must be filed by the applicant with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

(6) The applicant must supply each purchaser for resale other than a retailer with sufficient copies of this special order, amendment and notices to permit such purchasers for resale to comply with the notification requirements of this special order.

(b) *Notices to be given by purchasers for resale (other than retailers).* (1) A copy of this special order, together with the annexed notice of ceiling prices described in subparagraph 3 (a) (4) of this section, shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within 15 days of receipt of this special order and the annexed notice, each purchaser for resale (other than retailers) shall send a copy of the order and notice to each of his purchasers to whom, within two months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described above.

4. *Reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, the applicant shall file with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6-month period.

5. *Other regulations affected.* The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it, regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

6. *Revocation.* This special order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

7. *Applicability.* The provisions of this special order are applicable in the States east of the Mississippi River only.

Effective date. This special order shall become effective December 27, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

DECEMBER 27, 1951.

[F. R. Doc. 51-15424; Filed, Dec. 27, 1951; 4:08 p. m.]

Wage Stabilization Board

RESOLUTIONS REGARDING DELEGATIONS OF AUTHORITY

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161, 15 F. R. 6105, Executive Order 10233, 16 F. R. 3503, and General Order No. 3, Economic Stabilization Administrator, 16 F. R. 739, the following resolutions are hereby issued:

NOTE: For statement of considerations and resolutions regarding policy determinations and other substantive matters, see F. R. Doc. 51-15453, Title 32A, Chapter IV, in Rules and Regulations Section, *supra*.

RESOLUTION 20A—CASES UNDER GENERAL WAGE REGULATION 10

MAY 23, 1951.

[*Resolved:*] The Executive Director be authorized to process cases under GWR 10, as amended, provided that any case which presents a special problem of policy or interpretation shall be referred to the Review and Appeals Committee. This Committee is authorized to make final disposition of cases with the right of any member of this committee to bring a case to the Board.

RESOLUTION 28—SERVICING OF INDEPENDENT UNIONS

JUNE 21, 1951.

Whereas each member of the Wage Stabilization Board, whether selected from the ranks of industry, labor or the general public, regards it as his duty, by virtue of his appointment by the President, to represent the public interest; and,

Whereas it is the policy of the Board to afford equal treatment to employers and employees in the processing of their cases, regardless of affiliation or nonaffiliation with particular organizations; and,

Whereas inquiries have been made as to the application of this policy to cases involving independent unions, i. e., unions not affiliated with the AFL or CIO; and,

Whereas the Board has given careful consideration to the most fair and practical means of implementing the Board's policy in such cases, in the light of experience,

[*Resolved:*] 1. That the Chairman appoint a Public Member of the Board who shall be responsible for administering the policy of the Board to insure equal treatment in the processing of cases, whether involving unorganized employees, independent unions, or affiliated unions;

2. That the Board appoint a top-level staff member as liaison officer for independent unions to answer their inquiries regarding cases and to render such other special services as may be required;

3. That employers and unions continue to have access to the industry, labor and public members of the Board for information and advice, regardless of affiliation or nonaffiliation;

4. That Regional Board or other agencies of the Board, if and when established, be instructed to adopt policies and procedures conforming to this resolution.

RESOLUTION 49—PETITIONS INVOLVING TEN OR FEWER EMPLOYEES

AUGUST 9, 1951.

[*Resolved:*] The Board delegates to the staff the authority to rule on petitions involving 10 or fewer employees where in the judgment of the staff the adjustment requested would not be unstabilizing and would not appear to create inequities within the establishment. Petitions which involve critical occupations or which represent a significant departure from existing Board policies will be referred to a division of the Board or the Review and Appeals Committee for consideration.

RESOLUTION 64—DELEGATION OF AUTHORITY TO REGIONAL BOARDS

SEPTEMBER 18, 1951.
AMENDED DECEMBER 5, 1951.
AMENDED DECEMBER 19, 1951.

[*Resolved:*] That subject to appeal to the National Board or review by the National Board on its own motion, the various Regional Boards are hereby authorized to process and act upon petitions and applications for approval of adjustments in wages, salaries, or other compensation as follows:

I. Under the supervision and direction of the National Board, through its Executive Director, the Regional Boards are authorized to process and act upon (approve, modify, or deny) the following applications and petitions for approval of proposed adjustments in wages, salaries, and other compensation:

A. Applications filed under Section 4 (Base Pay Period Abnormalities) of GWR 6 which conform to paragraphs 1, 2, 3, and 4 of Board Resolution 30 of May 25, 1951, as well as other cases involving new plants established before January 26, 1951, or seasonal peculiarities: *Provided, however,* That the Regional Boards shall refer to the National Board "unusual cases involving firms or industries in which the rates on or about January 15, 1950, were grossly out of line with their normal relationships, *And provided further,* that the parties had no adequate opportunity to correct such misalignment by January 25, 1951."

B. Reports and applications filed under GWR 9 (New Plants). This authority includes all fringe items in new plant cases with the exclusion of pension, health and welfare, and insurance proposals unless such proposals are based on the extension within a single company of a contract provision already applicable in other plants of the same company, all included within the same region.

C. Petitions filed under GWR 10 (Tandems), subject to the limitations of Resolution 20a of May 23, 1951, and of Resolution 57 (fringe items) of August 23, 1951, but not including petitions under GWR 10 which involve interplant wage or salary adjustments based on increases granted to other employees on the basis of a plan or agreement providing for deferred increases, annual improvement factor increase or cost of living escalator increases.

D. Petitions filed under GWR 11 (Agricultural Wages) and area ceiling determinations authorized under Resolution 37 of June 29, 1951.

E. Petitions filed under GWR 13 (Fringe Benefits) involving any one or more of the five fringe items specified in Section 1 of GWR 13 in accordance with Resolution 59 of September 12. This authority extends also to petitions filed under Resolution 57 of August 23, 1951.

F. Petitions which can be acted upon under Board Resolution 22 of June 6, 1951, including Amendment 1 of August 30, 1951, subject to the following limitations:

1. The collective agreement or the formal written announcement to the employees upon which the petition is based must have been executed prior to January 26, 1951.

2. The clause in the collective agreement or the formal announcement must be similar

in effect to the General Motors clause. (Copies have been furnished.)

3. The agreement must be binding for a period of at least two years from the date of execution or announcement. However, cases involving agreements of less than two years duration, may be handled in accordance with the provisions of Amendment 1 of Resolution 22 (August 30, 1951), which specifies that in acting on all such cases the Regional Board will take into consideration whether approval of the increase would have an unstabilizing effect.

4. The increase must not be greater than 4 cents per hour, or 2 percent of the average straight-time hourly earnings, whichever is greater.

G. Petitions which can be acted upon under paragraphs 1, 2 and 3 of Board Resolution 43 of July 20, 1951 (deferred increases).

H. Petitions which can be acted upon under section 2 of Board Resolution 48, (interplant inequities) of August 7, 1951, and all other inter-plant inequity petitions on which the Regional Board decision is unanimous.

I. Petitions which can be acted upon under Board Resolution 49 (10 or fewer employees) of August 9, 1951, including those involving critical occupations.

J. Petitions which can be acted on under section 1 of Resolution 51 (intra-plant inequities) of August 10, 1951, and all other intra-plant inequity petitions on which the action of the Regional Board is unanimous.

K. Petitions filed under section 4 of GWR 8 (cost-of-living increases).

L. Petitions for approval of bonus payments which are not unstabilizing in effect, and which are within the following limitations:

1. *GWR 14, section 2, Plans.* A Regional Board may approve bonus payments pursuant to plans which conform in all respects to section 2 (a) of GWR 14, but where the total amount of the bonus, as computed under the plan, cannot be distributed under the conditions imposed by section 2 (b).

2. *GWR 14, sections 3 and 5, Bonuses exceeding 25 percent.* A Regional Board may approve bonus payments to individual employees of more than 25 percent of their total wages, salaries, and other compensation, excluding bonuses, if such payments are in accord with the employer's past practice.

3. *GWR 14, Sec. 3 payments.* As to bonus payments made in prior years but not in accordance with an established plan, a Regional Board may approve bonus payments to the employees in an appropriate employee unit, provided the petitioner demonstrates that the reason no bonus or a smaller bonus than in preceeding years was paid in 1950 was a clearly depressed condition with respect to sales or profits of the establishment involved, but within the following standards:

(1) The percentage of employees in the unit who are paid bonuses in the current year shall not exceed the average percentage of employees in the unit who were paid bonuses in any three calendar or fiscal years between 1946 and 1950 inclusive but not including any period prior to January 1, 1946,

(2) the average amount or percentage of bonus paid to the employees in the current bonus year shall not exceed the average amount or percentage paid in the same three-year period referred to above, and

(3) no employee in the unit shall receive a bonus in an amount or percentage greater than the average of the largest bonus paid in each year of the same three-year period referred to above.

4. *Extension of Existing Bonus Plans.* A Regional Board may approve the extension of existing bonus plans or practices to newly acquired establishments of the same employer.

II. Exceptions: Regional Boards shall not process and act upon (approve, modify or deny) petitions and applications other than those listed in section I above, including the following:

A. Petitions outside of the scope of I above including areas in which the Board has not developed policies. A factual analysis, where feasible, should be done in the regional office.

B. Petitions involving pension, health and welfare and insurance proposals except those authorized under I, B above.

C. Employees directly hired by the Federal Government.

D. Employees at Government owned and privately operated facilities.

E. Establishments located in more than one board region or in which the petition alleges, as one of the bases for approval, that the proposal is related to or dependent upon pending petitions of proposals or existing collective bargaining contracts involving other establishments of the petitioner which are located in other board regions.

F. An industry for which a commission or other special agency is provided by the Board or in such other industries where the National Board determines that the cases shall be processed by the National Board.

G. Any of the dispute functions of the Board.

H. Petitions filed under section 5 of GWR 6 (Rare and Unusual Cases), providing that the Regional Board shall forward to Washington its comments and recommendations on the possible unstabilizing effects of the proposed increases within the locality or region.

I. Petitions filed under GWR 5 involving (a) new plans or modifications of existing plans to govern individual wage or salary increases under rate ranges (section 2 (a) (vi) (b)) merit or length of service increases or the establishment of rate ranges by establishments with personal or random rate method of payment (section 2 (b)) or with single rate method of payment (section 2 (c)). A factual analysis, where feasible, should be made by the regional office.

III. Staff Authorization in the Regions: The Regional Boards shall, as early as practicable, define the authority of the Regional Director of Case Analysis to process and act upon certain types of cases subject to review by the Regional Board on appeal or on its own motion. It is expected that the Director of Case Analysis will be authorized to act upon cases involving the application of established Board policy. Each such delegation of authority shall be reported immediately to the National Board.

RESOLUTION 65—RELEASE OF INFORMATION ON PETITIONS

SEPTEMBER 19, 1951.

[*Resolved that:*] 1. Any party in interest affected by a pending petition shall, upon request, be advised whether such petition has been filed.

2. The contents of any final Board decision on a petition shall be supplied upon request by any person. Press releases will be issued in cases of general interest.

FREDERICK H. BULLEN,
Acting Chairman,
Wage Stabilization Board.

[F. R. Doc. 51-15452; Filed, Dec. 20, 1951; 9:41 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26658]

ALCOHOLIC LIQUORS IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

DECEMBER 26, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to Agent C. W. Boin's tariff I. C. C. No. A-943.

Commodities involved: Alcoholic liquors, in glass in cases or in bulk in barrels, carloads.

From, to, and between: Stations in official territory.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-943.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-15369; Filed, Dec. 28, 1951; 8:49 a. m.]

[4th Sec. Application 26659]

TEA OR TEA DUST FROM CERTAIN TEXAS PORTS TO POINTS IN ARKANSAS, LOUISIANA AND TEXAS

APPLICATION FOR RELIEF

DECEMBER 26, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Lee Douglass, Agent, for carriers parties to his tariff I. C. C. No. 743.

Commodities involved: Tea and tea dust, less-than-carloads.

From: Beaumont, Corpus Christi, Galveston, Houston, and Texas City, Tex.

To: Points in Arkansas, Louisiana, and Texas.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: Agent Lee Douglass' tariff I. C. C. No. 743, Supp. No. 24.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed

to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-15370; Filed, Dec. 28, 1951; 8:49 a. m.]

[4th Sec. Application 26660]

SUPERPHOSPHATE FROM COTTONDALE TO FORT LAUDERDALE, FLA.

APPLICATION FOR RELIEF

DECEMBER 27, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Atlanta & Saint Andrews Bay Railway Company and other carriers.

Commodities involved: Superphosphate (acid phosphate), carloads.

From: Cottondale, Fla.

To: Fort Lauderdale, Fla.

Grounds for relief: To meet intrastate rates.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1221, Supp. 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-15406; Filed, Dec. 29, 1951; 8:49 a. m.]

[4th Sec. Application 26661]

FRESH MEATS FROM INDIANAPOLIS, IND., TO ATLANTA, GA.

APPLICATION FOR RELIEF

DECEMBER 27, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4300, pursuant to fourth-section order No. 9800.

Commodities involved: Fresh meats and packing house products.

From: Indianapolis, Ind.

To: Atlanta, Ga.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-15407; Filed Dec. 29, 1951; 8:49 a. m.]

[4th Sec. Application 26662]

BRICK AND RELATED ARTICLES FROM IOWA TO MINNESOTA

APPLICATION FOR RELIEF

DECEMBER 27, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to schedules shown in the attached list.

Commodities involved: Brick and related articles, carloads.

From: Des Moines, Fort Dodge, Mason City, and Ottumwa, Iowa, and other points in Iowa.

To: Points in southern Minnesota.

Grounds for relief: Rail competition, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates:

	Tariff I. C. C. No.	Supp. No.
C&NW Ry	10986	43
	11089	45
CB&Q RR	20314	5
CGW Ry	5006	4
CMStP&P RR	B-7535	61
CRI&P RR	C-13204	47
GN Ry	A-8034	93
	A-8051	194
IC RR	A-11303	74
M&StL Ry	B-1012	83
Wab. RR	7193	90

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-15408; Filed, Dec. 29, 1951; 8:49 a. m.]

[4th Sec. Application 26663]

MOTOR-RAIL-MOTOR RATES BETWEEN MASSACHUSETTS, RHODE ISLAND, AND NEW YORK

APPLICATION FOR RELIEF

DECEMBER 27, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and St. Johnsbury Trucking Company, Inc.

Commodities involved: All commodities.

Between: Boston, Mass., Providence, R. I., and Springfield, Mass., on the one hand, and Harlem River, N. Y., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-15409; Filed, Dec. 29, 1951; 8:49 a. m.]